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The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work*

CECIL BEADON,
Secy to the Govt of India

SATURDAY, JANUARY 24, 1857.

Notifications, Appointments, &c.

No. 128.

Fort William, Home Department,
The 21st January 1857.

Notification.—The Furlough available by the expiry of that of Mr. W. S. Seton Kerr is assigned to Mr. H. Brereton, of the Civil Service, for three years, from the date of his embarkation for Europe.

No. 129.

The 22nd January 1857.

The following Extract of a Letter, addressed to the Consul for France at Singapore, by Mr. Magdalaine, an Officer of the Steamer "Duroe," of the French Imperial Navy, dated Sourabaya, 2nd October 1856, is published for general information :—

The position of the Mellish Shoal, which is about 160 Leagues N. West of New Calidonia, according to our observations after the wreck, differs sensibly from that given in the Charts. According to our observations it is in Latitude South 17° 23′ and Longitude East of Paris 153° 35′.

In South Latitude 16° 24 and Longitude East of Paris 147° 54′ I observed an Islet of Red Sand about a mile in circumference, and saw no Reef round it, but the Sea was exceedingly high.

In South Latitude 16° 36′ and Longitude East of Paris 145° 40′ I also observed a Reef, level with the water, appearing to have an interior lagoon with bluish water. I could not make out the extent of it, but it was several miles in circumference.

I hope you will find an early opportunity to publish these remarks on the Mellish Shoal, where I think a vessel might easily find anchorage. Capt. d'la Voisiere intended, after our departure, to make a survey of the Reef, which had an excellent entrance on the Western side.

No. 130.

The 23rd January 1857.

The Right Honorable the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. W. S. Seton Karr, of the Civil Service, who reported his return from Furlough on the 21st Instant.

No. 131.

The Right Honorable the Governor General in Council is pleased to re-attach to the North-Western Provinces, the Punjab and Oude, Mr. G. Palmer, of the Civil Service, who reported his return from Europe on the 21st Instant.

No. 132.

The Right Honorable the Governor General in Council is pleased to re-attach to the North Western Provinces, the Punjab and Oude, Mr B. Sapte, of the Civil Service, who reported his return from Furlough on the 21st Instant.

The Furlough, available by the return to India of Mr B. Sapte, is assigned to Mr. J. R. Muspratt, of the Civil Service. for three years, from the date of his embarkation for Europe.

No. 133

The Right Honorable the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. C F. Montresor, of the Civil Service, who reported his return from Furlough on the 21st Instant.

The Furlough available by the return of Mr. C. F. Montresor, is assigned to Mr. A. E. Russell, of the Civil Service, for three years, from the date of his embarkation for Europe.

CECIL BEADON,
Secy to the Govt. of India.

"to be given by the Governor General of India in "Council in the *Calcutta Gazette*, and to pay the "Interest accruing on the said sum of Company's "Rupees at the rate of "Five per Centum per annum, by half-yearly pay-"ments, at the General Treasury of Fort William, "to the said A. B., his Executors or Administra-"tors, until the expiration of three months after "such notice of payment as aforesaid, when the "amount of Interest due will be payable with the "Principal, and (such notice being considered "equivalent to a tender of payment at the period "appointed for the discharge of the Note) all "further Interest shall cease.

"Signed by the authority of the Governor "General of India in Council,

"*Secretary to the Government.*"

"*Accountant General's Office,*
"*Registered as No. , of*

The several Officers authorized to receive Subscriptions will, on application from the holders of acknowledgements, transmit them (free of every expense whatever) to the Accountant General at Fort William, to be exchanged for Promissory Notes bearing Interest from the 28th of February or 31st of August next ensuing after the date of Subscription. The Interest accruing on the broken period of the half-year that may intervene between the date of Subscription and the 28th of February or 31st August next ensuing, as the case may be, will be paid up at the time of granting the acknowledgement.

Proprietors of Notes or Acknowledgements, who may desire to have the Interest payable at any other public Treasury than at the General Treasury of Calcutta, shall be entitled to receive it accordingly, provided they notify their wish to the Accountant General at Fort William, and transmit the Notes or Acknowledgements to him, to have an Order for the payment of Interest at the said Treasury written on the face of the Notes under the signature of the said Officer or that of his Assistant, and after such order shall, on the application of the proprietor, be inscribed on any Note, the Interest shall be payable only from the said Treasury, unless the proprietor shall present the Note with an application for the purpose of transferring the payment elsewhere to the Accountant General at Fort William.

The Promissory Notes of this Loan shall not be renewed, sub-divided, or consolidated, except by the Accountant General of Fort William. The practice and rules heretofore in use in regard to the renewal, sub-division, and consolidation of Promissory Notes will be adhered to.

This Loan is limited to Three Crores of Rupees. No part of this Loan will be paid off before the 16th January 1872, nor without a previous notice of three months, to be issued at any time after the 15th October 1871.

The Four and-a-half per Cent. Loan, opened under Notification dated 30th August 1856, is closed from this date at the Public Treasuries in Calcutta, and at all other Treasuries under the several Governments, from date of receipt of this Advertisement, after which dates no further Subscriptions to that Loan will be received.

Published by Order of the Right Hon'ble the Governor General of India in Council,

C HUGH LUSHINGTON,
Secy. to the Govt. of India.

No. 6.

The 23rd January 1857.

The following extract from a Resolution passed by the Right Honorable the Governor General in Council, under date the 23rd January 1857, is published for general information :—

As a general Rule His Lordship in Council prescribes that in cases when Uncovenanted Servants exceed by a few days the period of their privilege leave, the Rule obtaining in the case of Covenanted Officers shall be applied, that is to say, if an Uncovenanted Servant shall not return at the expiration of his privilege leave, he shall forfeit all pay and allowances during the time of his remaining so absent without leave, and if he shall so continue absent for more than one month beyond the term granted, his office shall become vacant.

By order of the Right Honorable the Governor General in Council,

C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

No. 7.

Fort William, Public Works Department,

PUBLIC,

The 23rd January 1857.

Appointments.—The Right Hon'ble the Governor-General in Council is pleased to make the following appointments :—

Lieutenant C. D. Newmarch, of Engineers, 1st Class Executive Engineer Moulmein Division, to be Assistant to the Chief Engineer in Pegu.

Captain H. Man, of the 49th Regiment Madras Native Infantry, Resident Councillor, Malacca, to be a 1st Class Executive Engineer Moulmein Division, *vice* Lieutenant C. D. Newmarch.

No. 8.

Lieutenant J. J. McLeod Innes, of Engineers, 3rd Class Executive Engineer, at present attached to the 4th Division Baree Doab Canal, to be Assistant to the Chief Engineer in Oude.

W. E. BAKER, *Lieut.-Col.*,
Secy. to the Govt. of India.

No. 137.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 17th January 1857.—Mr. F. J. Earle, to be Register of Deeds and Marriage Registrar in the District of Purneah.

Mr. H. F. Williams, to be Register of Deeds and Marriage Registrar in the District of Tipperah.

The 19th January 1857.—Mr. W. Brown, to be Assistant Executive Officer North Hidgellee Division of Embankments.

The 20th January 1857.—Mr. H. A. Harrison, Assistant to the Magistrate and Collector of Cuttack, to be also Assistant to the Salt Agent of that District.

Leave of Absence.—The 20th January 1857.—Mr. H. H Robinson, Assistant to the Magistrate and the Collector of the 24-Pergunnahs, for one year, on Medical Certificate, under Section VI. of the revised Absentee Rules.

Captain J. S. Davies, Senior Assistant to the Commissioner of Chota Nagpore, at Lohardugga, for fifteen days, under the Rules applicable to Military Officers in Staff employ.

Baboo Opender Chunder Nyarutton, Principal Sudder Ameen of Jessore, for one month, under Section VII. of the Uncovenanted Absentee Rules

Baboo Buddinauth Brummo, Sub-Assistant Surgeon of the Charitable Hospital and Dispensary at Kishnaghur, for one month, under Section VI. of the Uncovenanted Absentee Rules.

The 21st January 1857.—Mr. C. G. Wynch, Assistant to the Magistrate and the Collector of Moorshedabad, for one week, under Section XIV. of the revised Absentee Rules, in extension of the leave granted to him on the 24th Ultimo.

Captain J. E. Gastrell, Revenue Surveyor, 4th or West Division, for a fortnight, under the Rules applicable to Military Officers in Staff employ, retaining charge of his Office.

Mr. W. deW. George, Sub-assistant to the Commissioner of Chota Nagpore at Hazareebaugh, for one month, under Clause 2, Section V. of the Uncovenanted Absentee Rules.

The 22nd January 1857.—Mr. A. J. Hay, Joint Magistrate and Deputy Collector of Govindpore, for one month, under Section XII. of the revised Absentee Rules.

Baboo Kashishur Mitter, Principal Sudder Ameen of Hooghly, for five weeks, on Medical Certificate, under Clause 2, Section V. of the Uncovenanted Absentee Rules.

Mr. E. DeRozario, Deputy Collector of Dacca, for two months, on Medical Certificate, under Clause 2, Section V. of the Uncovenanted Absentee Rules, in extension of the leave granted to him on the 3rd of November last.

A. R. YOUNG,

Offg. Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 135 of 1857.

Financial Department,

Agra, the 16th January 1857.

Appointment.—Mr. W. Greenway, Assay Master of Agra, whose services were placed temporarily at the disposal of the Government of India for service in Pegu, in Orders of 22nd April 1854, is appointed to resume charge of the duties of Assay Master and Bullion Depôt Keeper at Agra.

By order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

R. C. OLDFIELD,

Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 21st January 1857.

No. 114 of 1857.—The following Notifications, from the Foreign Department, are published in General Orders :—

No. 265, dated 16th January 1857.—The Governor General in Council is pleased to appoint Captain G. A. Black, of the 69th Regiment Native Infantry, to officiate as Second in Command of the Joudpore Legion, *vice* Captain Hall, appointed Officiating Commandant.

The services of Lieutenant C. K. M. Walter, of the 73rd Native Infantry, Adjutant of the Mhairwarra Local Battalion, are placed at the disposal of the Hon'ble the Lieutenant-Governor North-Western Provinces, for Civil employ in Ajmere.

No. 269, dated 19th January 1857.—Captain G. H. Thompson, Revenue Surveyor, Baree Doab, is permitted to embark from Kurrachee, instead of from Bombay, as notified in Orders of the 5th December last, No. 6052.

No. 115 *of* 1857.—The following Notification, from the Public Works Department, is published in General Orders :—

No 6, *dated* 20*th January* 1857.—The Right Hon'ble the Governor General in Council is pleased to notify, for general information, the following Classification of Officers in the Public Works Department, prepared in general conformity with the Scheme detailed in Notification No. 117, dated 17th June 1856, and having effect from the 1st November 1856 :—

Classified List of Officers in the Public Works Department, for Bengal, the North-Western Provinces, (including the Saugor and Nerbudda Territories), the Punjab, Pegu, Nagpore, and Oude.

No.	Rank and Names.	Corps if in the Army.	Province to which attached.	Name of Appointment.	Remarks.
	CHIEF ENGINEERS, 1ST CLASS; *Staff Salary of Rs.* 2,250 *per month, in addition to Military Pay-Proper.*				
1	Boileau, Colonel J. T. ...	Engineers ...	N. W. Provinces ...	Chief Engineer, N. W. Provinces.	
2	Goodwyn, Colonel H. ...	Ditto ..	Bengal ...	Ditto ditto, Bengal.	
3	Napier, Colonel R. ...	Ditto ...	Punjab ...	Ditto ditto, Punjab ...	On furlough.
	CHIEF ENGINEERS, 2ND CLASS; *Staff Salary of Rs.* 1,200 *per month, in addition to full Military Pay and Allowances.*				
1	Anderson, Major J. ...	Engineers ...	Oude ...	Chief Engineer, Oude.	
2	Cunningham, Lieutenant-Colonel A. ...	Ditto ...	Pegu ...	Chief Engineer, Pegu.	
3	Smith, Lieutenant-Colonel R. B. ...	Ditto ...	N. W. Provinces ..	Superintendent of Canals, N. W. Provinces.	
4	Reserved for Mysore. ...				
	CHIEF ENGINEERS, 3RD CLASS, AND SUPERINTENDING ENGINEERS; *Staff Salary of Rs.* 1,000 *per month, in addition to full Military Pay and Allowances.*				
1	Abercrombie, Lieutenant-Colonel W. ...	Engineers ...	Bengal ...	Superintending Engineer, 1st Circle, Bengal	On furlough.
2	Beadle, Captain J. P. ...	Ditto ...	Ditto ...	Superintendent of Embankments, Bengal.	
3	Boileau, Colonel A. H. E. ...	Ditto ...	Nagpore ..	Chief Engineer, Nagpore.	
4	Durand, Lieutenant-Colonel H. M. ...	Ditto ...	Bengal ...	Superintending Engineer, 1st Circle, Bengal..	Officiating.
5	Dyas, Lieutenant J. H. ...	Ditto ...	Punjab ...	Superintendent of Canals, Punjab.	
6	Fraser, C. B., Lieutenant-Colonel H. ...	Ditto ...	Ditto ...	Superintending Engineer, 1st Circle, Punjab...	Offg. Chief Engineer, Punjab
7	Glasfurd, Lieutenant-Colonel J. ...	Ditto ...	N. W. Provinces ...	Ditto ditto, 1st Circle, N. W. Provinces.	

No.	Rank and Names.	Corps if in the Army.	Province to which attached.	Name of Appointment.	Remarks.
	CHIEF ENGINEERS, 3RD CLASS, AND SUPERINTENDING ENGINEERS; *Staff Salary of* 1,000 *Rs. per month, in addition to full Military Pay and Allowances.*—(Continued.)				
8	Laughton, Major J. ...	Engineers ...	Punjab ...	Superintending Engineer, 2nd Circle, Punjab.	
9	Ludlow, Major S. O. E. ...	Madras Engineers	Saugor ...	Chief Engineer, Saugor and Nurbudda Territories.	
10	Ommanney, Major E. L. ...	Engineers ...	Bengal ...	Superintending Engineer, 2nd Circle, Bengal.	
11	Weller, Major J. A. ...	Ditto ...	N. W. Provinces ..	Ditto ditto, 2nd Circle, N. W. Provinces.	
12	Reserved for Hyderabad ...				
	SUPERINTENDENTS OF WORKS; *Staff Salary from Rs.* 600 to *Rs.* 800 *per month, in addition to full Regimental Pay and Allowances.*				
1	Anderson, Lieutenant J. C. ...	Madras Engineers,	Oude ...	Superintendent, Irrigation in Oude.	
2	Crofton, Lieutenant J. ...	Engineers ...	Punjab ...	Ditto, Baree Doab Canal	
3	Dickens, Captain C. H. ...	Artillery ...	Bengal ...	Ditto, Irrigation in Behar.	
4	Forlong, Lieutenant J. G. R. ...	1st Madras N. I.	Pegu ...	Ditto, Prome, Rangoon, and Tonghoop Roads.	
5	Sim, Lieutenant G. ...	Engineers ...	Bengal ...	Ditto, Arracan Road.	
6	Taylor, Lieutenant A. ...	Ditto ...	Punjab ...	Ditto, Lahore and Peshawur Road.	
	CIVIL ARCHITECT; *Staff Salary Rs.* 700 *a month.*				
1	Young, Captain C. B. ...	Engineers ..	Bengal ..	Civil Architect, Calcutta.	
	EXECUTIVE ENGINEERS, FIRST CLASS; *Staff Salary Rs.* 600 *a month.*				
1	Allen, Captain A. ...	55th Regt. N. I....	Irrigation, N. W. P. ...	Superintendent, Roorkee Work-shops ...	Furlough.
2	Drummond, Lieutenant H ...	Engineers ...	Ditto ...	Ditto, Northern Division Ganges Canal.	
3	Fraser, Captain E. ...	Ditto ...	Military duty ...	Commandant of Sappers and Miners ...	On Military duty.
4	Fulton, Lieutenant G. W. W. ...	Ditto ...	Oude ...	Executive Engineer, Lucknow	
5	Gulliver, Lieutenant H. W. ...	Ditto . .	Punjab Irrigation ...	Ditto ditto, 2nd Division, Baree Doab Canal.	
6	Harris, Lieutenant F. C. ...	Ditto ...	Bengal ...	Surveyor, Cuttack Rivers.	
7	Hodgson, Captain C. J. ...	Ditto ...	Ditto ...	Garrison Engineer, Fort William.	
8	Hutchinson, Lieutenant C. W. ...	Ditto ...	Punjab ...	Assistant to the Chief Engineer, Punjab.	
9	Impey, Captain A. ...	Ditto ...	Bengal ...	Executive Engineer, Darjeeling Road.	
10	Maxwell, Major J. H. ...	Ditto ...	Punjab ...	Ditto ditto, Sealkote Division.	

11	Maxwell, Captain W. ...	Artillery ...	Irrigation, N. W. P....	Superintendent of Irrigation in Rohilcund.		
12	Morton, Captain W. E. ...	Engineers ...	Ditto ditto ...	Ditto, Eastern Jumna Canals ...	On furlough.	
13	Newmarch, Lieutenant C. D. ...	Ditto ..	Pegu ...	Executive Engineer, Moulmein.		
14	Nicolls, Captain J. E. T. ...	Ditto ...	N. W. Provinces ...	Assistant to Chief Engineer, N. W. Provinces.		
15	Pott, Captain S. ...	Ditto ...	Ditto ditto ...	Executive Engineer, Meerut Division.		
16	Rigby, Major H. ...	Ditto ...	Ditto ditto ...	Ditto ditto, Benares Division ...	Offg. Supdg. Engineer, Punjab.	
17	Short, Captain W. D. A. R. ...	Ditto ...	Bengal ...	Ditto ditto, Midnapore Embankments.		
18	Whiting, Captain F. ..	Ditto ...	Irrigation, N. W. P....	Supdt. Etawah Terminal Divn. Ganges Canal	Offg. Depy. Supdt. Genl of Canals	
19	Reserved for Hyderabad ...					

EXECUTIVE ENGINEERS, 2ND CLASS— { *Military Officers, Rs. 500 a month, Staff Salary.* / *Civilians, Rs. 750 a month, in all.*

1	Alexander, Lieutenant F. ...	Artillery ...	Bengal ...	Executive Engineer, Dinapore Division ...	On furlough.
2	Atkinson, Captain G. F. ...	Engineers ...	Punjab ...	Ditto ditto, Upper Sirhind Division.	
3	Briggs, Captain D. ...	17th Regt. N.I....	Ditto ...	Superintendent, Hill Roads.	
4	Cadell, Lieutenant A. ...	Engineers ...	Nagpore ...	Executive Engineer, Nagpore Division.	
5	Cobbe, Lieutenant F. H. ...	Madras Artillery	Saugor ...	Ditto ditto, Mhow Division.	
6	Eliot, Captain J. ...	Artillery ...	Ditto ...	Executive Engineer, Barrackpore Division.	
7	Garnett, Lieutenant A. W. ...	Engineers ...	Punjab ...	Ditto ditto, Kohat.	
8	Glover, Lieutenant T. G. ...	Ditto ...	Ditto ...	Ditto ditto, Rawul Pindee Division.	
9	Grimlall. Captain R. F. ...	8th Regt. N. I. ...	Ditto ...	Ditto ditto, 6th Division, Grand Trunk Road.	
10	Henderson, Lieutenant W. ...	Engineers ...	Ditto ...	Ditto ditto, Lahore and Peshawur Road.	
11	Home, Lieutenant D. C. ...	Ditto ...	Ditto Irrigation ...	Ditto ditto, 1st Division, Baree Doab Canal.	
12	Hume, Lieutenant J. J. ...	48th Regt. N.I....	N. W. Provinces ...	Ditto ditto, Bareilly Division.	
13	Hutchinson, Lieutenant G. ...	Engineers ...	Oude ...	Superintendent of Roads, Oude.	
14	Hyde, Lieutenant H. ..	Ditto ...	Punjab ...	Executive Engineer, Peshawur Division.	
15	Ingram, Lieutenant J. S. ...	1st Bengal Fusiliers ...	Pegu ...	Ditto ditto, Tonghoop Road.	
16	Jervis, Lieutenant S. C. ...	Engineers ...	N. W. Provinces ...	Ditto ditto, Cawnpore,	
17	Keighley, Captain H. P. ...	49th Madras N. I.	Pegu ...	Ditto ditto, Rangoon Town.	
18	Knyvett, Lieutenant-Colonel F. ...	64th Regt. N. I.	Bengal ...	Ditto ditto. 2nd Division Grand Trunk Road.	
19	Layard, Captain F. P. ...	19th Regt. N. I.	Ditto ...	Ditto ditto, Berhampore Division.	
20	Login, Mr. T. ...	Civil ...	Pegu .	Ditto ditto, Bassein River. ...	On furlough.
21	Macleod, Major N. C. ...	Engineers ...	N. W. Provinces ...	Ditto ditto, Agra Division.	
22	Medley, Lieutenant J. G. ...	Ditto ...	Punjab Irrigation ...	Superintendent, Inundation Canals, Punjab.	
23	Merrick, Lieutenant T. C. ...	3rd Regt. N. I.	Irrigation, N. W. P....	Ditto Lower Central Division Ganges Canal ...	On furlough.
24	Peile, Lieutenant F. W. ...	Engineers. ...	Bengal ...	Executive Engineer Patna and Gya Road.		
25	Pollard, Lieutenant C. ...	Ditto ...	Punjab ...	Ditto Ditto, Lahore and Peshawur Road.		
26	Price, Lieutenant G. ...	1st Bengal Fusiliers.	Irrigation, N. W. P....	Superintendent, Cawnpore Division, Ganges Canal.		

No.	Rank and Names.	Corps if in the Army.	Province to which attached.	Name of Appointment.	Remarks.
	EXECUTIVE ENGINEERS, 2ND CLASS—{ *Military Officers, Rs. 500 a month, Staff Salary.* / *Civilians, Rs. 750 a month, in all.* } (Continued.)				
27	Reid, Captain D. ...	Artillery ...	Bengal ...	Executive Engineer, Upper Assam Division.	
28	Robertson, Major A. ...	48th Madras N. I.	Punjab ...	Ditto Ditto, Lahore and Peshawur Road.	
29	Russell, Lieutenant L. ...	Engineers ...	Bengal ...	Ditto Ditto, 1st Division Arracan Road	Offg. Supdt., Arracan Road.
30	Stewart, Lieutenant C. T. ...	Ditto ...	Irrigation, N. W. P. ...	Superintendent, Western Jumna Canals.	
31	Taylor, Lieutenant F. S. ...	Ditto ...	Punjab ..	Executive Engineer, Nowshera	
32	* * *				
33 } 34 }	Reserved for Hyderabad and Mysore ...				
	EXECUTIVE ENGINEERS, 3RD CLASS—{ *Military Officers, Rs. 400 a month, Staff Salary.* / *Civilians, Rs. 600 a month, Salary.* }				
1	Baker, Captain F. M. ...	65th Regt. N. I. ..	Punjab ...	Temporary Extra Assistant Chief Engineer, Punjab.	
2	Black, Lieutenant S. ...	37th Regt. N. I,...	Bengal ...	Executive Engineer, Culmejole Embankment.	
3	Brine, Conductor F. ...	Warrant Officer...	Ditto ...	Ditto ditto, South Hidgellee ditto.	
4	Brownlow, Lieutenant H. A. ..	Engineers ...	Irrigation, N. W. P....	Deputy Superintendent, Eastern Jumna Canal	In charge of the Eastern Jumna Canal.
5	Craster, Lieutenant G. A. ...	Ditto ...	Bengal ...	Executive Engineer, Purneah Division.	
6	Crommelin, Mr. A. G. ...	Civil ...	Punjab Irrigation ...	Ditto ditto, 3rd Division, Baree Doab Canal.	
7	DeBourbel, Lieutenant R. ...	Engineers ...	Bengal ...	Asst to Chief Engineer, L. P.	
8	Faddy, Captain S. B. ...	36th Regt. N. I....	Punjab ...	Executive Officer, Umritsur Division ...	Offg. Executive Engineer, Ferozepore.
9	Finn, Conductor J. ...	Warrant Officer...	Irrigation, N. W. P....	Superintendent of Navigation, &c., Ganges Canal.	
10	Forbes, Lieutenant H. T. ...	Artillery ...	Bengal ...	Superintendent, Nuddea Rivers.	
11	Gully, Lieutenant F. ...	31st Regt. N. I....	Punjab	Executive Engineer, Lahore and Peshawur Road.	
12	Hall, Lieutenant M. ...	1st Bengal Fusiliers ...	Pegu ...	Ditto ditto, Henzada.	
13	Innes, Lieutenant J. J. McL. ...	Engineers ...	Punjab Irrigation ...	Ditto ditto, 4th Division, Baree Doab Canal.	
14	Hay, Mr. W. ..	Civil ...	Irrigation, N. W. P....	Deputy Superintendent, Northern Division, Ganges Canal.	
15	Leonard, Mr. H. ...	Ditto ...	Bengal ...	Executive Engineer, Dacca Navigation.	
16	Limond, Lieutenant D. ...	Engineers ...	Ditto ...	Officiating Executive Engineer, Burdwan Division of Embankment.	

17	Mead, Lieutenant C. J. ...	Artillery ...	Ditto ...	Executive Engineer, 3rd Division, Arracan Road	
18	Nightingale, Lieutenant C W. ...	18th Regt N. I....	Punjab ...	Ditto ditto, Dalhousie Road	
19	O'Flaherty, Mr. J. ...	Civil ..	Bengal ...	Ditto ditto, Calcutta Canals	
20	Oliphant, Lieutenant W. S. ...	Engineers ...	Punjab ...	Ditto ditto, Sutlej and Beas Road.	
21	Parker, Mr. J. ...	Civil ...	Irrigation. N. W. P. ...	Deputy Superintendent, Northern Division, Ganges Canal ...	Officiating Superintendent, Lower Central Division, Ganges Canal.
22	Powys, Lieutenant J. ...	61st Regt. N. I....	Ditto ditto ...	Superintendent, Bundelkund Irrigation Works.	
23	Purdon, Mr. W. ...	Civil ...	Punjab ...	Executive Engineer, Salt Mines.	
24	Read, Mr. F. ...	Ditto ...	Irrigation, N. W. P. ...	Superintendent, Upper Central Division, Ganges Canal.	
25	Rogers, Lieutenant H. T. ...	Madras Engineers	Pegu ...	Executive Engineer, Meeaday.	
26	Rooke, Deputy Asst. Commissary E. ...	Warrant Officer...	Bengal ...	Ditto ditto, 1st Division, Grand Trunk Road.	
27	Rose, Lieutenant H. ...	3rd Regt. N. I....	Punjab ...	Ditto ditto, Mooltan Division.	
28	Rosé, Mr. R. J. ...	Civil ...	Bengal ...	Superintendent, Suburban Roads, Calcutta...	On leave to England.
29	Salkeld, Lieutenant P. ...	Engineers ...	N. W. Provinces ...	Executive Engineer, Delhi Division.	
30	Smithe, Mr. J. D. ...	Civil ...	Punjab Irrigation ...	Ditto ditto, Baree Doab Canal Work-shops.	
31	Sterling, Mr. R. S. ...	Ditto ...	Bengal ...	Superintendent of the Iron Bridge Yard.	
32	Swayne, Lieutenant J. D. ...	11th Regt. N. I....	Ditto ...	Executive Engineer, North Hidgellee Embankment.	
33	Trevor, Lieutenant W. S. ...	Engineers ...	Pegu ...	Ditto ditto, Bassein Division.	
34	Twynam, Lieutenant J. L. ...	25th Madras N. I.	Bengal ...	Ditto ditto, Arracan Division.	
35	Walker, Lieutenant E. ...	Engineers ...	Irrigation, N. W. P. ...	Superintendent, Deyrah Dhoon Canals.	
36	Wheler, Captain T. ...	1st Bengal Fusiliers ...	Pegu ...	Executive Engineer, Thyet-Myo.	
37	Wickham, Captain E. T. ...	H. M.'s 61st Foot	Ditto ...	Ditto ditto, Rangoon Cantonment.	
38	* * *				
39 40	Reserved for Hyderabad and Mysore ...				

EXECUTIVE ENGINEERS, 4TH CLASS, AND SPECIAL ASSISTANTS— { *Military Officers, Rs. 300 a month, Staff Salary.* *Civilians, Rs. 500 a month, Salary.*

1	Andrew, Mr. H. ...	Civil ...	Bengal ...	Assistant Engineer, Dinapore Division.	
2	Angelo, Lieutenant F. ..	16th Regt. N. I....	Irrigation, N. W. P. ...	Deputy Superintendent, Etawa Division, Ganges Canal	
3	Armstrong, Mr. W. ...	Civil ...	Bengal ...	Executive Engineer, Jugurnath Road.	
4	Bassevi, Ensign G. H. ...	27th Regt. N. I....	Punjab ...	Executive Engineer, Upper Derajat.	
5	Battie, Serjeant E. ...	Non-Commissioned Officer ...	Irrigation, N. W. P. ...	Ditto ditto, Delhie and Goorgaon Irrigation and Drainage Works.	

No.	Rank and Names.	Corps if in the Army.	Province to which attached.	Name of Appointment.	Remarks.
	EXECUTIVE ENGINEERS, 4TH CLASS, AND SPECIAL ASSISTANTS,— *Military Officers, Rs. 300 a month, Staff Salary.* *Civilians, Rs. 500 a month, Salary.* (Continued.)				
6	Bird, Lieutenant T. C. ...	36th Madras N. I.	Nagpore ...	Executive Engineer, Chanda Division.	
7	Bond, Mr. F. ...	Civil ...	Bengal ...	Ditto ditto, Sumbulpore Road.	
8	Campbell, Major L. ...	50th Madras N. I.	Pegu ...	Ditto ditto, Sheway Gyeen.	
9	Carnell, Lieutenant R. ...	32nd Madras N. I.	Saugor ...	Ditto ditto, 1st Division Great Deccan Road.	
10	Clarke, Mr. W. W. ...	Civil ...	N. W. Provinces ...	Ditto ditto, Benares Division.	
11	Crump, Lieutenant C. ...	Madras Artillery..	Saugor ..	Ditto ditto, Saugor Division ...	On furlough.
12	Davies, Captain F. J. ...	58th Regt. N. I....	Punjab ...	Ditto ditto, Upper Hazara.	
13	Dawson, Lieutenant J. ...	43rd Regt. N. I....	Oude ...	Ditto ditto, Fyzabad Division.	
14	Dixon, Lieutenant H. ...	22nd Madras N. I.	Bengal ...	Ditto ditto. Cuttack Division.	
15	Dodd, Mr. G. N. ...	Civil ..	Ditto ...	Ditto ditto, Sylhet Division.	
16	Dodsworth, Mr. W. T. ...	Ditto ...	Irrigation, N. W. P....	Supervisor Land Measurements and Assistant Surveyor, Ganges Canal.	
17	Eckford, Lieutenant J. J. ...	6th Madras N. I.	N. W. Provinces ...	Executive Engineer, Delhi Division Grand Trunk Road.	
18	Fagan, Captain R. C. H. B. ...	Artillery ...	Punjab ...	Ditto ditto, Jullunder.	
19	Falconnet, Lieutenant G. de P. ...	Madras Engineer	Pegu ...	Ditto ditto, Meeaday.	
20	Fulton, Lieutenant J. ...	Artillery ...	Punjab Irrigation ...	Special Assistant Engineer, Baree Doab Canal.	
21	Gaskoin, Lieutenant C. A. ...	Ditto ...	Punjab ...	Offig. Executive Engineer, Umritsur Division.	
22	Gordon, Major R. ...	32nd Madras N. I.	Saugor ...	Executive Engineer, Jubbulpore Division.	
23	Græme, Lieutenant C. H. E. ...	5th ditto ...	Nagpore	Ditto ditto, Bhandara Division	
24	Hall, Mr. W. ...	Civil ...	Saugor ..	Assistant Engineer, 2nd Division Great Deccan Road ...	Offg. Executive Engineer 2nd Division Great Deccan Road.
25	Harper, Sergeant T. H. ..	Non-Comd. Officer	Bengal ...	Executive Engineer, 24-Pergunnahs Embankment.	
26	Hitchins, Lieutenant C. T. ...	54th Madras N. I.	Bengal ...	Ditto ditto. Dacca Division.	
27	Kelly, Mr. J. ...	Civil ...	Irrigation, Punjab ...	Assistant Engineer, Baree Doab Canal.	
28	Lamb, Captain J. H. ...	Artillery ...	Ditto, N. W. Provinces	Deputy Superintendent, Cawnpore Division Ganges Canal ...	Offg. Superintendant Etawa Division, Ganges Canal.
29	Lamb, Captain S. B. ...	H. M's. 10th Foot	Punjab ..	Executive Engineer, Mooltan Road.	
30	Lang, Lieutenant A. M. ...	Engineers ...	Ditto ...	Assistant ditto, Lahore Division. ...	Offg. Executive Engineer, Meeanmeer Division.

31	Leeds, Lieutenant E. ...	47th Regt. N. I.	Pegu ..	Ditto ditto, Rangoon Cantonment.	
32	Marten, Mr. H. ...	Civil ...	Irrigation, N. W P. . .	Asst. to the Superintendent of Canals.	
33	Mayne, Mr. C. ...	Ditto ...	Bengal ...	Ditto Engineer, in charge of Roads in the Malda District.	
34	McRae, Mr. J. ...	Ditto	Oude ...	Special ditto ditto, Road Department.	
35	Moffat, Captain A. K. ...	58th Regt. N. I.	Punjab ...	Executive Engr. Lahore and Peshawur Road.	
36	Monckton, Lieutenant J. R. ...	Engineers ...	N. W. Provinces ...	Ditto ditto, 4th Division Grand Trunk Road.	
37	Moncrief, Lieutenant A. P. S. ...	44th Regt. N. I.	Bengal ..	Ditto ditto, Burdwan Division.	
38	Perkins, Lieutenant Æ. ...	Engineers ...	Punjab ...	Ditto ditto, Lower Sirhind Division.	
39	Priestley, Lieutenant A. G. ...	41st Regt. N. I.	N. W. Provinces ...	Ditto ditto, 3rd Division Grand Trunk Road.	
40	Rickards, Mr. J. L. ...	Civil ...	Punjab ...	Ditto ditto, Umritsur Drainage Works.	
41	Rybot, Lieutenant G. O. ...	Artillery ...	Nagpore ...	Ditto ditto, Raepore Division.	
42	Saunders, Lieutenant E. A. ..	7th Madras N. I.	Ditto ...	Ditto ditto, Chundwaruh Division.	
43	Scott, Lieut. J. L. ...	19th Madras N. I.	Pegu ...	Ditto ditto, Tonghoop Road.	
44	Sears, Mr. R. ...	Civil ...	Bengal ...	Assistant to the Civil Architect.	
45	Smalley, Lieutenant E. ...	36th Regt. N. I....	N. W. Provinces ...	Executive Engineer, Gwalior Division.	
46	Smith, Mr. W. ...	Civil ...	Bengal ...	Assistant Engineer, Jessore Road.	
47	Stanton, Lieutenant F. S. ...	Engineers ...	Ditto ...	Ditto ditto, 2nd Division Grand Trunk Road.	
48	Stevens, Captain J. F. ...	18th Madras N. I.	Saugor ...	Exe. Engr. 2nd Division, Great Deccan Road.	
49	Stuart, Captain C. B. ...	3rd Regt. N. I....	Oude ...	Ditto ditto, Khyrabad Division.	On furlough.
50	Trevor, Lieutenant S. T. ...	Engineers ..	Pegu ...	Ditto ditto, Sittang ditto.	
51	Tucker, Lieutenant W. R. ...	Ditto ..	Bengal ...	Ditto ditto, Midnapore ditto.	
52	Warrand, Lieutenant W. E. ...	Ditto ...	Punjab ...	Ditto ditto, Lahore and Peshawur Road.	
53	Watson, Lieutenant G. E. ...	Ditto ...	N. W. Provinces ...	Ditto ditto, Kurnaul and Meerut Road	
54	Watts Lieutenant J. L. ...	Ditto ...	Irrigation, N. W. P....	Ditto ditto, 5th Division G. T. Road.	
55	Williams, Lieutenant J. M. ...	1st M. Fusiliers...	Pegu ...	Ditto ditto, Sittang and Tonghoop Road.	
56	Wilmot, Mr. W. ...	Civil ..	Punjab ...	Assistant Executive ditto, Umballa Division.	
57	Wright, Captain J. H. ...	1st Madras N. I.	Pegu ...	Executive ditto, Tonghoop Road.	
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70	Reserved for Hyderabad and Mysore.				
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No.	Rank and Names.	Corps if in the Army.	Province to which attached.	Name of Appointment.	Remarks.
	ASSISTANT ENGINEERS, 1ST CLASS ; *Staff Salary of Rs. 250 per month, and a consolidated Salary of Rs. 350 per month.*				
1	Adam, Mr. J. ..	Civil ...	Irrigation, Punjab ...	Assistant Engineer, Inundation Canals.	
2	Anderson, Mr. J. C. ...	Ditto ...	Punjab ...	Ditto to the Superintendent Lahore and Peshawar Road.	
3	Baillie, Lieutenant G. ...	Artillery ...	Irrigation, N. W. P. ..	Deputy Superintendent, Roorkee Work-shops	Offg. Supdt., Roorkee Work-shops.
4	Bayley, Lieutenant A. R. ...	H. M's 8th Foot	Punjab ...	Assistant Engineer, Lahore and Peshawar Road	Offg. Executive Engineer.
5	Boyce, Mr. F. R. ...	Civil ...	Bengal ..	Ditto to the Civil Architect.	
6	Browne, Mr. B. ...	Ditto ...	Punjab Irrigation ...	Superintendent, Husli Canal.	
7	Colls, Captain R. S. ...	H. M's. 32nd Foot	Punjab ...	Assistant Engineer, Lahore and Pashawur Road	
8	Davies, Captain S. H. J. ...	51st Regt. N. I....	Ditto ...	Ditto ditto, Rawul Pindee.	
9	Houchen, Lieutenant G. A. F. ...	55th Regt. N. I....	Ditto ...	Ditto Superintendent, Hindoostan and Thibet Road.	
10	Marshall, Mr. F. C. ...	Civil ...	Oude ...	Assistant Engineer, Road Department.	
11	Martin, Lieutenant D. W. ..	H. M's. 75th Foot	Ditto ...	Ditto Engineer, Umballa Division.	
12	Moravia, Mr. C. ...	Civil ...	Ditto ...	Superintendent, Lahore School of Engineering.	
13	O'Brien, Mr. P. ...	Ditto ...	Irrigation, Punjab ...	Assistant Engineer, Inundation Canals.	
14	Oman, Mr. D. C. ...	Ditto ...	Bengal ...	Ditto ditto, Dinapore Division.	
15	Span, Lieutenant O. Mc C. ...	62nd Regt. N. I....	Irrigation, N. W. P....	Deputy Superintendent, Etawa Division Ganges Canal	
16	Steel, Mr. N. G. ...	Civil ...	Punjab ...	Assistant Engineer, Lahore and Pashawur Road.	
17	Swetenham, Mr. E.	Ditto ..	Punjab Irrigation ..	Ditto ditto, 1st Division, Baree Doab Canal.	
18	Thomason, Lieutenant C. S. ...	Engineers ...	Irrigation, N. W. P....	Deputy Superintendent Western Jumna Canals.	
19	Willson, Mr. T. ...	Civil ...	Punjab ...	Assistant Engineer, Upper Hazara.	
	ASSISTANT ENGINEERS, 2ND CLASS ; *Staff Salary of Rs. 200 per month, and a consolidated Salary of Rs. 250 per month.*				
20	Anderson, Mr. C. ..	Civil ...	Irrigation, N. W. P...	Deputy Superintendent, Futtehgurh Branch Ganges Canal.	
21	Aspinall, Mr. H. A. ...	Ditto ...	Ditto ..	Ditto ditto, Rohilcund Irrigation.	
22	Birch, Lieutenant F. W. ...	59th Regt N. I....	Oude ...	Assistant Engineer, Road Department.	
23	Chapman, Lieutenant W. D. ...	17th Madras N. I.	Nagpore ...	Ditto ditto, Nagpore Division.	
24	Cox, Lieutenant G. H. ...	H. M's. 53rd Foot	Punjab ...	Ditto ditto, 8th Division Grand Trunk Road.	
25	Caffery, Mr. P. ...	Civil ...	Punjab Irrigation ...	Ditto ditto, Husli Canal.	

26	Farrington, Captain J. J. ...	2nd B. Fusiliers	Bengal Irrigation ...	Assistant Superintendent, Behar Irrigation.	
27	Gillespie, Lieutenant A. ...	Artillery ...	Punjab ...	Assistant Engineer, Kohat.	
28	Greensill, Captain J. M. ...	H. M.'s 24th Foot	Ditto ...	Ditto ditto, Lahore and Peshawur Road.	
29	Hamilton, Lieutenant W. ..	Artillery ...	Ditto ...	Ditto ditto, Peshawur Valley.	
30	Jackson, Lieutenant W. ...	51st Regt. N. I ...	Ditto ...	Ditto ditto, Peshawur District.	
31	Kunnyalall, Baboo ...	Civil ...	Ditto ...	Employed temporarily in Chief Engineer's Office.	
32	Mackinnon, Lieutenant C. W. ...	H. M.'s 87th Foot	Bengal ...	Assistant Engineer, Patna and Gya Road.	
33	Marshall, Lieutenant W. E. ...	48th Regt N. I. .	Ditto ...	Ditto ditto, Lower Assam Division.	
34	Murray, Lieutenant C. ...	70th Regt. N. I....	Ditto ...	Ditto ditto, Darjeeling ...	To retain his present Departmental Staff Salary and Military Command Allowance.
35	O'Brien, Lieutenant J. T. N. ...	H. M.'s 70th Foot	Punjab . .	Ditto ditto, Peshawur.	
36	Prior, Lieutenant B. J. C. ...	33rd Madras N. I.	Saugor ...	Ditto ditto, Saugor Circle ...	Officiating Executive Engineer, Saugor.
37	Robertson, Captain A. C. ...	H M.'s 8th Foot...	Irrigation, N. W. P. ...	Deputy Superintendent, Northern Division, Ganges Canal.	
38	Sandilands, Lieutenant E. N. ..	Ditto ...	Punjab ...	Asistant Engineer, Lahore and Peshawur Road.	
39	Sandwith, Lieutenant B. ...	H. M.'s 84th Foot	Pegue ...	Ditto ditto, Rangoon Cantonment.	
40	Thomson, Lieutenant D. ..	Artillery ...	Punjab ...	Ditto ditto, 6th Division Grand Trunk Road.	
41	Tonnochy, Captain V.	H. M.'s 29th Foot	Irrigation, N. W. P....	Deputy Superintendent, Cawnpore Division, Ganges Canal.	
42	Tulloch, Lieutenant A. ...	58th Regt. N. I....	Oude ...	Assistant Engineer, Road Department.	
43	Tulloh, Lieutenant R. H. ...	16th Regt. N. I....	Punjab ...	Assistant Engineer, Peshawur.	
44	Wall, Lieutenant J. ...	H. M.'s 87th Foot	Bengal ...	Assistant to the Garrison Engineer.	
45	Watson, Mr. J. ..	Civil ...	Irrigation, N. W. P....	Assistant Engineer, Roorkee Work-shops.	
46	Whish, Ensign H. E. ...	26th Regt. L. I....	Bengal Irrigation ...	Assistant Superintendent, Behar Irrigation.	
47	Young, Captain J. ...	Artillery ...	Punjab ...	Assistant Engineer, Jullunder Division.	

PROBATIONARY ASSISTANT ENGINEERS.—*These Officers will all retain their present salaries, until appointed permanent Assistants under the Rules laid down in Notification of* 17*th June* 1856, *No.* 117.

48	Bean, Mr. S. B. ...	Civil ...	Punjab ...	Assistant Engineer, Lahore and Peshawur Road.
49	Boate, Mr. W. ...	Ditto ...	Bengal ...	Ditto ditto, Arracan Road.
50	Brown, Mr. W. ...	Ditto ...	Ditto ...	Ditto ditto, Patna and Gya Road.
51	Chalmers, Mr. S. ...	Ditto ...	Punjab ...	Ditto ditto, Lahore and Peshawur Road.
52	Crossman, Lieutenant C. P. ...	41st M. N. I. ...	Saugor ...	Ditto ditto, Jubbulpore.
53	Dupuis, Mr. G. H. ...	Civil ...	Punjab Irrigation ...	Ditto ditto, Indus Canal.
54	Edgeworth, Mr. W. ...	Ditto ...	Ditto ...	Ditto ditto, Baree Doab Canal.
55	Forest, Mr. R. E. ...	Ditto ...	Irrigation, N. W. P....	Deputy Superintendent, Deyrah Dhoon Canal.
56	Garbett, Mr. H. ...	Ditto ...	Punjab Irrigation ...	Assistant Engineer, 1st Division, Baree Doab Canal.
57	Gustavinski, Mr. L. ..	Ditto ...	Ditto ...	Ditto ditto, 4th Division, Baree Doab Canal.

No.	Rank and Names.	Corps if in the Army.	Province to which attached.	Name of Appointment.	Remarks.
	PROBATIONARY ASSISTANT ENGINEERS. *These Officers will all retain their present salaries until appointed permanent Assistants under the Rules laid down in Notification of 17th June 1856, No. 117.*—(Continued.)				
58	Hanna, Mr. S. G. ...	Civil ...	Punjab Irrigation ...	Assistant Engineer, 1st Division, Baree Doab Canal.	
59	Heyman, Mr. J. J. ...	Ditto ...	Ditto ...	Ditto ditto, 2nd Division, ditto.	
60	Kay, Mr. J. C. ...	Ditto ...	Irrigation, N. W. P....	Deputy Superintendent, Cawnpore Division, Ganges Canal.	
61	Kemp, Mr. H. ...	Ditto ..	Bengal ...	Assistant Engineer, 2nd Division, Grand Trunk Road.	
62	Kerwan, Mr. D. ...	Ditto ...	Punjab Irrigation ...	Ditto ditto, Inundation Canals.	
63	Knowles, Mr. T. W. ...	Ditto ...	Ditto ..	Ditto ditto, Hindoostan and Thibet Road.	
64	Lennox, Mr. J. ...	Ditto ...	Ditto ...	Ditto ditto, Lahore and Peshawur Road.	
65	Lennox, Mr. P. ...	Ditto ...	Ditto ...	Ditto ditto, ditto ditto.	
66	Lorimer, Mr. G. ...	Ditto ...	Bengal ...	Ditto ditto, 2nd Division, Grand Trunk Road.	
67	Macrone, Mr. W. B. ...	Ditto ...	Irrigation, N. W. P...	Deputy Superintendent, Lower Central Division, Ganges Canal.	
68	Mahomed Akram ...	Ditto ...	Punjab Irrigation ...	Assistant Engineer, Huslee Canal.	
69	Martin, Lieutenant J. R. ...	Artillery ...	N. W. Provinces ...	Ditto ditto, 3rd Division, Grand Trunk Road.	
70	Nilmoney Mitter, Baboo .	Civil ...	Bengal ...	Assistant to Civil Architect.	
71	Righy, Mr. H. ...	Ditto ...	Irrigation, N. W. P....	Deputy Superintendent, Western Jumna Canals.	

72	Rigby, Mr. V.	...	Ditto	...	Saugor	...	Assistant Engineer, 2nd Division, Great Deccan Road.
73	Scott, Mr. H.	...	Ditto	...	Punjab	...	Ditto ditto, Lahore and Peshawur Road.
74	Smith, Lieutenant R. A.	...	Artillery	...	Bengal	...	Ditto ditto, 2nd Division, Grand Trunk Road.
75	Wilson, Mr. J. H.	...	Civil	...	Saugor	...	Ditto ditto, 2nd Division, Great Deccan Road.
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95	Reserved for Hyderabad and Mysore.						
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CLASSIFIED LIST of Subordinates in the Public Works Department, for Bengal, the North-Western Provinces, (including Saugor and Nerbudda Territories), the Punjab, Pegu, Nagpore, and Oude.

No.	Rank and Names.	Civil or Military.	Province to which attached.	Division to which attached..	Remarks.
	Sub-Engineers, 1st Class.— *Military Staff Salary, Rs. 250 per mensem. Civil Salary, Rs. 400 per mensem.*				
1	Brooke, Deputy Assistant Commissary J.	Military ...	Bengal ...	Arracan.	
2	Johnstone, Mr. W. ...	Civil ...	Ditto ...	Suburban Roads.	
3	Mann, Mr. F. W. ...	Ditto ...	N. W. Provinces ...	Agra.	
4	Symms, Assistant Commissary J. ..	Military ...	Punjab	Wuzeerabad.	
5	Wallace, Deputy Assistant Commissary J	Ditto ...	Ditto ...	Jullundur.	
	Sub-Engineers, 2nd Class.— *Military Staff Salary, Rs. 200 per mensem. Civil Salary, Rs. 300 per mensem.*				
1	Gilbert, Mr. C. ..	Civil ...	Bengal ...	Gunduck Embankments.	
2	Gray, Conductor J. ...	Military ...	N. W. Provinces ...	Cawnpore.	
3	Hopper, Mr. C. J. ...	Civil ...	Punjab ...	Ferozepore.	
4	Imlay, Mr. J. A. ...	Ditto ...	Bengal ...	Iron Bridge Yard.	
5	Munro, Mr. G. ...	Ditto .	Ditto ...	2nd Division, Arracan Road.	
6	Nield, Mr. C. B. ...	Ditto ...	Ditto ...	Arracan Road.	
7	Rayner, Mr. G. ..	Ditto ...	Ditto ...	Cuttack Embankments.	
8	Rothwell, Mr. J. ...	Ditto ...	Ditto ...	Raepore Road.	
9	Smith, Conductor E. ...	Military ...	Punjab ...	Sealkote.	
10	Willcocks, Conductor W. ...	Ditto ...	Irrigation, N. W. P....	Eastern Jumna Canals.	
	Sub-Engineers, 3rd Class.— *Military Staff Salary, Rs. 150 per mensem. Civil Salary, Rs 250 per mensem.*				
1	Allen, Mr. E. ...	Civil ...	Bengal ...	Presidency.	
2	Clarke, Mr. R. J. ...	Ditto ..	N. W. Provinces ...	Agra.	
3	Duell, Mr. M. ...	Ditto ..	Bengal ...	Darjeeling Road.	
4	Elliot, Mr. R. ...	Ditto ...	N. W. Provinces ...	Meerut.	
5	Harington, Mr. W. B. ...	Ditto ...	Ditto ...	Ditto.	
6	Kenoy, Mr. T. ...	Ditto ...	Bengal ...	Presidency.	
7	Lynch, Mr. J. ...	Ditto ..	Ditto ...	Fort William.	

8	McCullagh, Mr. W.	...	Ditto	...	Ditto	...	Patna Branch Road.
9	McGurrin, Mr. T.	...	Ditto	...	Ditto	...	Circular and Eastern Canals.
10	McManus, Mr. T.	...	Ditto	...	Ditto	...	
11	Mitchell, Mr. J.	...	Ditto	...	Ditto	...	Brick-maker, Calcutta.
12	O'Reilly, Mr. B.	...	Ditto	...	Punjab	...	Ferozepore.
13	Palmer, Mr. E. C.	...	Ditto	...	Ditto	...	Sealkote.
14	Robertson, Mr. G.	...	Ditto	...	Ditto	...	Umballah Division, Grand Trunk Road.
15	Rose, Conductor F.	...	Military	...	N. W. Provinces	...	Meerut.
16	Reserved for Hyderabad.						

SUPERVISORS— { *Military Staff Salary, Rs.* 120 *per mensem.*
Civil Salary, Rs. 200 *per mensem.*

1	Barrett, Mr. G.	...	Civil	..	Oude	...	
2	Bedford, Mr. J.	...	Ditto	...	Bengal	...	Calcutta Canals
3	Bremner, Serjeant A. B.	..	Military	...	Irrigation, N. W. P....	Rohilcund Irrigation.
4	Dunlop, Mr. J. P.	...	Civil	...	Punjab	...	Peshawur District.
5	Fennessy, Mr J.	...	Ditto	...	Bengal	...	Dacca.
6	Gair, Conductor D.	...	Military	...	Punjab	...	Umballah Division, Grand Trunk Road.
7	Goode, Serjeant C. B.	...	Ditto	...	Ditto	...	Ditto, ditto.
8	Harding, Serjeant C. J.	...	Ditto	...	Ditto	...	Umballah.
9	Hardy, Serjeant G. F.	...	Ditto	...	Bengal	...	South Hidgellee Embankments.
10	Kaleepersaud Chowdry, Baboo	...	Civil	...	Ditto	...	Civil Architect's Division.
11	Magrath, Corporal P.	...	Military	...	Pegu	...	Tonghoop Road.
12	McGuinness, Serjeant C.	...	Ditto	..	Bengal	...	Cuttack Embankments.
13	Monies, Serjeant A.	..	Ditto	...	Punjab	...	Umballah Division, Grand Trunk Road.
14	Moodoosoodun Mookerjee, Baboo	...	Civil	...	Bengal	...	Purneah.
15	O'Berne, Sub-Conductor, (Acting Conductor) A.	...	Military	...	Ditto	...	Fort William.
16	Oliver, Serjeant D.	...	Ditto	...	Punjab	...	Umballah.
17	Page, Mr. J.	...	Civil	...	Ditto	...	Lahore and Ferozepore Road.
18	Patterson, Mr. R. H.	...	Ditto	...	Bengal	...	3rd Division, Arracan Road.
19	Phillips, Serjeant W.	...	Military	...	Irrigation, N. W. P....	Upper Central Division, Ganges Canal.
20	Rampersaud Doss, Baboo	...	Civil	...	Bengal	...	South Hidgellee Embankments.
21	Smallman, Sub-Conductor W.	...	Military	...	Punjab	...	Sutlej and Beas Road.
22	Reserved for Mysore.	...					

ASSISTANT SUPERVISORS— { *Military Staff Salary, Rs.* 100 *per mensem.*
Civil Salary, Rs. 150 *per mensem.*

1	Bell, Mr. M.	..	Civil	...	Punjab	...	7th Division, Grand Trunk Road.
2	Bolton, Serjeant H.	...	Military	...	Bengal	...	Midnapore Embankments.
3	Brown, Mr. J.	...	Civil	...	Irrigation, Punjab	...	Baree Doab Canal.

	Rank and Names	Civil or Military.	Province to which attached.	Division to which attached.	Remarks.
	ASSISTANT SUPERVISORS—{ *Military Staff Salary, Rs.* 100 *per mensem,* / *Civil Salary, Rs.* 150 *per mensem.* } (Continued.)				
4	Butler, Corporal R.	Military	Irrigation, Punjab	Baree Doab Canal.	
5	Cameron, Serjeant J. W.	Ditto	Irrigation, N. W. P.	Roorkee Work-shops.	
6	Craig, Serjeant W.	Ditto	Pegu	Thyet Myo	On leave.
7	Cunningham, Serjeant M.	Ditto	Bengal	1st Division, Grand Trunk Road.	
8	Deacon, Serjeant J.	Ditto	Punjab	Umballah.	
9	DeBacker, Serjeant H. L.	Ditto	Irrigation, Punjab	Baree Doab Canal.	
10	Dewes, Mr. H.	Civil	Bengal	Nuddea Rivers.	
11	Duncan, Serjeant M.	Military	Irrigation, N. W. P.	Western Jumna Canal.	
12	Durrant, Serjeant E.	Ditto	Ditto	Eastern Jumna Canal.	
13	Edwards, Mr. F.	Civil	Punjab	Kohat.	
14	Fitzpatrick, Serjeant P.	Military	Bengal	1st Division, Grand Trunk Road.	
15	Fitzpatrick, Serjeant T.	Ditto	Irrigation, N. W. P.	Western Jumna Canal.	
16	Fraser, Mr. C.	Civil	Punjab	6th Division, Grand Trunk Road.	
17	Gillis, Serjeant E. I.	Military	N. W. Provinces	Benares.	
18	Hardy, Serjeant R.	Ditto	Ditto	3rd Division, Grand Trunk Road.	
19	Hind, Mr. J.	Civil	Pegu	Pegu Circle.	
20	Holt, Mr. J.	Ditto	Bengal	Suburban Roads	
21	Hunt, Serjeant J. S.	Military	Ditto	Berhampore.	
22	Kean, Mr. J.	Civil	Punjab	Temporarily employed in Chief Engineer's Office in Punjab.	
23	Kelly, Serjeant R.	Military	Irrigation, N. W. P.	Etawah Division, Ganges Canal.	
24	Macleod, Serjeant D.	Ditto	N. W. Provinces	Benares.	
25	Markham, Mr. J	Civil	Bengal	Nuddea Rivers.	
26	Marten, Serjeant J.	Military	Irrigation, N. W. P.	Northern Division, Ganges Canal.	
27	McArthur, Serjeant J.	Ditto	Ditto	Store-keeper, Roorkee Work-shops.	
28	McCarthy, Serjeant C.	Ditto	Pegu	Thyet Myo.	
29	McMillan, Serjeant J.	Ditto	Bengal	Surveying and Examining Cuttack Rivers.	
30	Miller, Sub-Conductor G. R.	Ditto	Pegu	Rangoon Cantonment.	
31	Moodoosoodun Chatterjee, Baboo	Civil	Irrigation, N. W. P.	Etawah Division, Ganges Canal.	
32	Nolan, Serjeant G.	Military	Bengal	2nd Division, Grand Trunk Road.	
33	Palmer, Mr. W.	Civil	Nagpore		
34	Radanath Bose, Baboo	Ditto	Bengal	Embankment Circle.	
35	Ramaswamy Modeliar	Ditto	Nagpore	Nagpore.	

36	Rice, Serjeant S.	Military	Bengal	Cuttack Division.
37	Shepherd, Serjeant C.	Ditto	Pegu	Toungoo.
38	Sparling, Serjeant E.	Ditto	Irrigation, Punjab	Baree Doab Canal.
39	Vernal, Conductor R.	Ditto	Punjab	Sealkote.
40	Wilkins, Mr. S.	Civil	Bengal	Nuddea Rivers.
41 42	Reserved for Mysore and Hyderabad.			

OVERSEERS— *Military Staff Salary, Rs. 85 per mensem.*
Civil Salary, Rs. 100 per mensem.

1	Aldridge, Mr. E.	Civil	Punjab	Sutlej and Beas Road.
2	Anson, Serjeant F.	Military	Ditto	12th or Umballah Division.
3	Bankier, Bombr. R.	Ditto	Nagpore	
4	Beale, Mr. B. W.	Civil	Oude	Lucknow.
5	Beckett, Serjeant G.	Military	Punjab	Lahore and Peshawur Road.
6	Beharee Lall	Civil	Ditto	8th Division, Grand Trunk Road.
7	Blake, Mr. E.	Ditto	Bengal	Assistant Foreman, Iron Bridge Yard.
8	Bourke, Gunner M.	Military	Pegu	Tonghoop Road.
9	Brennan, Serjeant J.	Ditto	Saugor	Mhow.
10	Brookes, Serjeant C. A.	Ditto	N. W. Provinces	Roorkee.
11	Brookes, Mr. R.	Civil	Bengal	Dinapore.
12	Brooks, Serjeant S. T.	Military	N. W. Provinces	Cawnpore.
13	Burke, Serjeant M.	Ditto	Punjab	Lahore and Peshawur Road.
14	Byrne, Serjeant M. J.	Ditto	Bengal	Garrison, Fort William.
15	Daly, Serjeant E.	Ditto	Pegu	Tounghoo.
16	Duggan, Serjeant M.	Ditto	Irrigation, Punjab	Baree Doab Canal.
17	Eustace, Serjeant J.	Ditto	Punjab	7th Division, Lahore and Peshawur Road.
18	Fitzsimons, Corporal J.	Ditto	Saugor	Saugor.
19	Foulon, Serjeant J. A.	Ditto	Punjab	6th Division, Grand Trunk Road.
20	Gereson, Serjeant R.	Ditto	Punjab Irrigation	Baree Doab Canal.
21	Gibson, Serjeant A.	Ditto	Punjab	Murree.
22	Gibson, Corporal W.	Ditto	Ditto	Lahore and Peshawur Road.
23	Graham, Corporal J.	Ditto	Bengal	Dinapore.
24	Granger, Serjeant H.	Ditto	Punjab	Peshawur.
25	Grant, Corporal G.	Ditto	Bengal	South Hidgellee Embankments.
26	Handy, Corporal E.	Ditto	Punjab	Dalhousie Road.
27	Hanlon, Mr. E.	Civil	Bengal	Burdwan Embankments.
28	Henderson, Corporal W.	Military	Ditto	2nd Division, Grand Trunk Road.
29	Higher, Corporal W.	Ditto	N. W. Provinces	3rd Division, Grand Trunk Road.
30	Hudson, Mr. R.	Civil	Punjab	Lahore and Peshawur Road.
31	Jack, Serjeant W.	Military	Ditto	Ferozepore.
32	Jackson, Serjeant W.	Ditto	Bengal	Burdwan Embankments.
33	Jadub Chunder Ghose, Baboo	Civil	Ditto	Ganges and Darjeeling Road.

No.	Rank and Names.	Civil or Military.	Province to which attached.	Division to which attached.	Remarks.
	OVERSEERS—{*Military Staff Salary, Rs. 85 per mensem.* / *Civil Salary, Rs. 100 per mensem.*} (Continued.)				
34	Janson, Serjeant F.	Military	Punjab	Umballah.	
35	Jenkins, Serjeant W.	Ditto	Ditto	Thibet Road.	
36	Kaye, Serjeant J.	Ditto	Bengal	Barrackpore.	
37	Kennedy, Serjeant W.	Ditto	Ditto	Cuttack.	
38	Kedarnath Sen, Baboo	Civil	Ditto	Culmejole.	
39	King, Serjeant D.	Military	Punjab	Peshawur.	
40	Knowles, Mr. F.	Civil	Ditto	Umballah.	
41	Lester, Serjeant J.	Military	Irrigation, Punjab	Baree Doab Canal.	
42	Lynch, Serjeant J.	Ditto	Punjab	Mooltan.	
43	Macnamara, Mr. J.	Civil	Bengal	Cuttack.	
44	Mahoney, Gunner J.	Military	N. W. Provinces	Meerut.	
45	Maitland, Private C.	Ditto	Pegu	Rangoon.	
46	Manners, Serjeant H.	Ditto	Punjab	Peshawur.	
47	Marshall, Corporal W.	Ditto	Irrigation, Punjab	Inundation Canals.	
48	Martin, Serjeant T.	Ditto	Irrigation, N. W. P.	Northern Division, Ganges Canal.	
49	Martindell, Mr. R.	Civil	Irrigation, Punjab	Inundation Canals.	
50	McGregor, Serjeant D.	Military	Nagpore		
51	McGuffin, Private W.	Ditto	Punjab Irrigation	Baree Doab Canal.	
52	McLanders, Serjeant F.	Ditto	N. W. Provinces	4th Division, Grand Trunk Road.	
53	Mealing, Serjeant J.	Ditto	Pegu	Tounghoop Road.	
54	Mitchell, Serjeant W. E.	Ditto	Irrigation, N. W. P.	Etawah Division, Ganges Canal.	
55	Mole, Serjeant J.	Ditto	Punjab	Lahore and Peshawur Road.	
56	Montague, Serjeant C.	Ditto	Ditto	Ditto ditto.	
57	Montgomery, Corporal C.	Ditto	N. W. Provinces	4th Division, Grand Trunk Road.	
58	Mooney, Serjeant H.	Ditto	Punjab	Peshawur.	
59	Murray, Serjeant F.	Ditto	Bengal	Barrackpore Division.	
60	O'Brien, Gunner M.	Ditto	Punjab	Govindghur.	
61	Ogle, Serjeant M.	Ditto	N. W. Provinces	Navigation Department, Ganges Canal.	
62	Patterson, Corporal W.	Ditto	Bengal	Cuttack.	
63	Phelan, Corporal W.	Ditto	Pegu	Thyet Myo.	
64	Phillips, Serjeant R.	Ditto	Punjab	Ferozepore.	
65	Riley, Corporal J.	Ditto	Ditto	Lahore and Peshawur Road.	
66	Rivett, Serjeant W.	Ditto	Bengal	1st Division, Arracan Road.	
67	Roberts, Serjeant F.	Ditto	Punjab	Thifet Road.	

68	Robinson, Gunner J. S.	...	Ditto	...	Irrigation, Punjab	...	Bare e Doab Canal.
69	Roche, Serjeant G.	...	Ditto	...	N. W. Provinces	...	4th Division, Grand Trunk Road.
70	Sanders, Serjeant S. S.	..	Ditto	...	Bengal	...	South Hidgellee Embankments.
71	Scott, Serjeant W.	...	Ditto	...	Ditto	...	Burdwan.
72	Sinclair, Mr. C.	...	Civil	...	Oude	...	Cawnpore and Lucknow Road.
73	Stevens, Serjeant T. P.	...	Military	...	Punjab	...	Lahore and Peshawur Road.
74	Stevenson, Serjeant J.	...	Ditto	...	Ditto	...	Ditto ditto.
75	Stewart, Serjeant J.	...	Ditto	...	Ditto	...	6th Division, Grand Trunk Road.
76	Swan, Serjeant C.	...	Ditto	...	Irrigation, N. W. P.	...	Cawnpore Division, Ganges Canal.
77	Teeling, Serjeant G.	...	Military	...	N. W. Provinces	...	Meerut.
78	Vasillian, Mr. C.	...	Civil	...	Punjab	...	Sutlej and Beas Road.
79	Watt, Mr. J.	...	Ditto	...	Saugor	...	1st Division, Great Deccan Road.
80	Watt, Serjeant J. W.	...	Military	...	Pegu	...	Rangoon.
81	Whayman, Gunner J.	...	Ditto	...	Punjab	...	Sutlej and Beas Road.
82	Wheeler, Serjeant J.	...	Ditto	...	Ditto	...	Thibet Road.
83	Whiting, Corporal J	...	Ditto	...	Saugor	...	Hoshungabad.
84	Wilkinson, Serjeant W.	...	Ditto	..	Punjab	...	Lahore and Peshawur Road.
85	Wilson, Private J.	...	Ditto	...	Pegu	..	Rangoon.
86							
87							
88	Reserved for Mysore and Hyderabad.						
89							

ASSISTANT OVERSEERS— *Military Staff Salary, Rs.* 70 *per mensem.*
Civil Salary, Rs. 80 *per mensem.*

1	Abrey, Mr. W.	...	Civil	...	Bengal	...	2nd Division, Grand Trunk Road.
2	Ainsworth, Serjt J.	...	Military	...	Irrigation, N. W. P.	...	Roorkee Work-shops.
3	Aldridge, Mr. C.	...	Civil	...	Punjab	...	Lahore and Beas Road.
4	Anundcomar Roy, Baboo	...	Ditto	...	Bengal	...	2nd Division, Grand Trunk Road.
5	Armstrong, Serjt. W.	...	Military	...	Punjab	...	Western Sirhind.
6	Atkinson, Mr. J.	...	Civil	...	Bengal	...	Cuttack Division Embankments.
7	Atkinson, Serjeant R. C.	..	Military	...	Ditto	...	Ganges and Darjeeling Road.
8	Austin, Gunner J.	...	Ditto	...	Irrigation, Punjab	...	4th Division, Baree Doab Canal.
9	Baness, Mr. S.	...	Civil	...	Ditto	...	Baree Doab Canal.
10	Barry, Bombr. J.	...	Military	...	Bengal	...	Jessore Road.
11	Beddy, Mr. L. S.	...	Civil	...	Punjab	...	Lower Derajat.
12	Benson, Gunner G.	...	Military	...	Ditto	...	Umballah.
13	Bipproo Doss Mitter, Baboo	...	Civil	...	Bengal	..	Burdwan.
14	Bowder, Corporal W.	...	Military	....	N. W. Provinces	...	Meerut Embankments.
15	Bradbury, Corporal W.	...	Ditto	...	Ditto	...	Ditto.
16	Bretherton, Gunner J.	...	Ditto	...	Pegu	...	

No.	Rank and Names.	Civil or Military.	Province to which attached.	Division to which attached.	Remarks.
	ASSISTANT OVERSEERS—{ *Military Staff Salary, Rs. 70 per mensem.* / *Civil Salary, Rs. 80 per mensem.* } (Continued.)				
17	Brian, Serjeant Patrick (*alias* John), ..	Military ...	Irrigation, Punjab ...	1st Division, Baree Doab Canal.	
18	Brown, Corporal J. ...	Ditto ...	Punjab ...		
19	Brown, Corporal J. ...	Ditto ...	N. W. Provinces ...		
20	Buchanan, Corporal G. ...	Ditto ...	Irrigation, Punjab ...	Inundation Canals.	
21	Burns, Corporal G. ...	Ditto ...	Nagpore ...		
22	Burten, Private R. G. ...	Ditto ...	Irrigation, N. W. P....	Canal Department.	
23	Chooneelall ...	Civil ...	N. W. Provinces .	Agra and Bombay Road.	
24	Clerry, Gunner L. ...	Military ...	Punjab ...	Lahore and Ferozepore Road.	
25	Collingwood, Serjeant A. B. ...	Ditto ..	Ditto ...	Upper Derajat.	
26	Connell, Serjeant A. ...	Ditto ...	Oude ...		
27	Connelly, Serjeant B. ...	Ditto ...	Irrigation, Punjab ...	1st Division, Baree Doab Canal.	
28	Cooper, Gunner J. W. ..	Ditto ...	N. W. Provinces ...	3rd Division, Grand Trunk Road.	
29	Copeland, Serjeant J. ...	Ditto ...	Punjab ...	Lower Hazara.	
30	Copeland, Corporal W. ...	Ditto ...	Ditto ...	7th Division, Grand Trunk Road.	
31	Corcoran, Coporal C. ...	Ditto ...	Irrigation, N. W. P....	Canal Department.	
32	Cox, Bombr. G. F. F. ...	Ditto ...	Irrigation, Punjab ...	Madhopore Work-shops.	
33	Cox, Mr. J. ...	Civil ...	Bengal ..	3rd Division, Dacca and Arracan Road.	
34	Cummings, Trooper W. ...	Military ...	Irrigation, N. W. P....	Canal Department.	
35	Daily, Mr. J. ..	Civil ...	Punjab ...	5th Division, Lahore and Peshawur Road.	
36	Dallas, Private J. ...	Military ...	N. W. Provinces ...	Agra.	
37	Davie Sahai ...	Civil ...	Punjab ...	Upper Derajat.	
38	Davies, Serjeant T. W. ...	Military ...	Ditto ...	Hindoostan and Thibet Road.	
39	Davies, Serjeant G. ...	Ditto ...	N. W. Provinces ...	5th Division, Grand Trunk Road.	
40	Deasy, Gunr. J. ...	Ditto ...	Irrigation, Punjab ...	2nd Division, Baree Doab Canal.	
41	Dennis, Corporal F. F. ...	Ditto ...	Irrigation, N. W. P....	Canal Department.	
42	Dillon, Serjeant L. ...	Ditto ..	Pegu ...	Moulmein.	
43	Donovan, Gunr. J. ...	Ditto ...	Bengal ...	Arracan.	
44	Doorgapersaud Mookerjee, Baboo ...	Civil ...	Ditto ...	2nd Division, GrandTrunk Road.	
45	Drummond, Serjeant G. ..	Military ...	Punjab ...	Jullunder.	
46	Duffy, Trumpeter R. J. ...	Ditto ...	Oude ...		
47	Emslie, Serjeant W. ...	Ditto ...	Punjab	Meean Meer.	
48	Finn, Serjeant J. ...	Ditto ...	Pegu ...		
49	Foley, Serjeant S. ..	Ditto ...	Punjab ...	Peshawur	
50	Fullerton, Serjeant J. ...	Ditto ...	Irrigation, N. W. P....	4th Division, Ganges Canal.	

51	Gardner, Bugler T.	...	Ditto	...	N. W. Provinces	... Agra.
52	Gatehouse, Gunr. W.	...	Ditto	...	Bengal	... Dacca.
53	Gerrard, Private R.	...	Ditto	...	Pegu	... Sheway Gyeen.
54	Gooderson, Mr. J.	..	Civil	...	Punjab	... 1st Division, Lahore and Peshawur Road.
55	Gourmohun Joss, Baboo	...	Ditto	..	Bengal	... South Hidgellee Embankments.
56	Grace, Serjeant J. E.	...	Military	...	Nagpore	... Chandah.
57	Grice, Serjeant P.	...	Ditto	...	Punjab	... Lower Derajat.
58	Griffiths, Corporal Q.	...	Ditto	...	Ditto	... 1st Division, Lahore and Peshawur Road.
59	Grose, Mr. W. D.	...	Civil	...	Bengal	.. Dinapore.
60	Guinane, Bombr. R. S.	...	Military	...	Punjab	... Peshawur
61	Gunneshchundur Chowdry, Baboo	...	Civil	...	Bengal	... Suburban Roads.
62	Hagan, Serjeant P.	...	Military	...	Ditto	... Lower Assam.
63	Hamilton, Artificer E.	...	Ditto	...	Saugor	... 2nd Division, Great Deccan Road.
64	Hamley, Corporal H.	...	Ditto	...	Punjab	... 6th Division, Grand Trunk Road.
65	Hannay, Gunr. M.	...	Ditto	...	Nagpore	... Nagpore.
66	Hardie, Serjeant C.	...	Ditto	...	Punjab	... Jullunder.
67	Herrold, Mr. H. M.	...	Civil	...	Bengal	... Upper Assam.
68	Hickey, Private W.	...	Military	...	Ditto	... Upper Assam.
69	Holmes, Mr. R.	...	Civil	...	N. W. Provinces	... Delhi.
70	Hurchurn Doss, Baboo	...	Ditto	...	Ditto	... 2nd Division, Lahore and Peshawur Road
71	Hurst, Corporal J.	...	Military	...	Oude	...
72	Jones, Serjeant J.	...	Ditto	...	N. W. Provinces	... Allahabad.
73	Joynarain Doss, Baboo	...	Civil	.	Bengal	... Dacca.
74	Judonath Roy, Baboo	...	Ditto	...	Ditto	... 2nd Division, Grand Trunk Road.
75	Kain, Bombr. J.	...	Military	...	Oude	...
76	Keay, Serjeant P.	...	Ditto	...	N. W. Provinces	... Agra and Bombay Road.
77	Kelly, Private W.	...	Ditto	...	Pegu	... Moeaday.
78	Kingsmill, Serjeant G.	...	Ditto	...	Punjab	... Murree and Rawul Pindee Road.
79	Kircloff, Serjeant C. D.	...	Ditto	..	Irrigation, N. W. P.	... Western Jumna Canals.
80	Kurreembux	...	Civil	...	Punjab	... Mean Meer.
81	Lanon, Serjeant J. F.	...	Military	...	Nagpore	...
82	Lawson, Corporal J.	...	Ditto	...	Irrigation, N. W. P.	... Canal Department.
83	Leader, Serjeant J.	...	Ditto	...	Punjab	... Rawul Pindee.
84	Leach, Gunner W.	...	Ditto	...	N. W. Provinces	... 3rd Division, Grand Trunk Road.
85	Leehy, Gunner M.	..	Ditto	...	Bengal	... 1st Division, Grand Trunk Road.
86	Litchfield, Mr. G. C.	...	Civil	...	Ditto	... 2nd Division, Dacca and Arracan Road.
87	Lodge, Mr. F.	...	Ditto	...	Ditto	... Suburban Roads.
88	Long, Private R.	...	Military	...	Ditto	... Patna Branch Road.
89	Lynch, Gunner M.	...	Ditto	...	N. W. Provinces	... Agra.
90	Lyons, Serjeant C.	...	Ditto	...	Ditto	... Grand Trunk Road.
91	Macnamara, Bombr. M. S.	..	Ditto	...	Pegu	...
92	Macnamara, Serjeant P.	...	Ditto	...	Bengal	... Darjeeling Road.
93	Madhaversaud Chuckerbutty, Baboo	...	Civil	...	N. W. Provinces	... Gwalior.

No.	Rank and Names.	Civil or Military.	Province to which attached.	Division to which attached.	Remarks.
	ASSISTANT OVERSEERS—{*Military Staff Salary, Rs. 70 per mensem.* / *Civil Salary, Rs. 80 per mensem.*} (Continued.)				
94	Mahoney, Gunner J. C.	Military	Bengal	Upper Assam Division.	
95	Marriott, Serjeant S. S.	Ditto	Punjab	Meean Meer.	
96	Martin, Bombr. A. C.	Ditto	Bengal	Upper Assam.	
97	Martin, Serjeant J.	Ditto	Irrigation, N. W. P.	Canal Department.	
98	Mayer, Mr. G. H.	Civil	Bengal	Suburban Roads.	
99	McCarthy, Corporal T. F.	Military	Nagpore		
100	McGilvray, Serjeant W.	Ditto	Punjab	7th Division, Grand Trunk Road.	
101	McKecknie, Gunner J.	Ditto	Bengal	Sylhet.	
102	McLeod, Gunner J.	Ditto	Ditto	Fort William.	
103	McMahon, Private J.	Ditto	Punjab	Western Sirhind.	
104	McNamara, Corporal A. K.	Ditto	Bengal	2nd Division, Grand Trunk Road.	
105	McNiel, Private J.	Ditto	Punjab	Umballah.	
106	McPhee, Serjeant A.	Ditto	N. W. Provinces		
107	McPherson, Private J.	Ditto	Ditto		
108	Meehan, Private W.	Ditto	Punjab	Kohat.	
109	Mollyneaux, Mr. M.	Civil	Ditto	4th Division, Lahore and Peshawur Road.	
110	Monindro Mohun Mookerjee, Baboo	Ditto	N. W. Provinces	Benares	
111	Morari Gooptoo, Baboo	Ditto	Bengal	1st Division, Grand Trunk Road.	
112	Munro, (*alias* McKenzie) Serjeant A	Military	N. W. Provinces	Chunar.	
113	Murphy, Serjeant T.	Ditto	Ditto	3rd Division, Grand Trunk Road.	
114	Murray, Gunner J.	Ditto	Nagpore	Nagpore.	
115	Nobinchunder Ghose, Baboo	Civil	Bengal	Midnapore Embankments.	
116	Nuttall, Serjeant J.	Military	Punjab	Hindoostan and Thibet Road.	
117	O'Donnell, Corporal G.	Ditto	Irrigation, N. W. P.	Ganges Canal.	
118	O'Donnell, Gunner H.	Ditto	Punjab	Ferozepore.	
119	O'Donoghue, Mr. F. E.	Civil	Bengal	Upper Assam.	
120	Orr, Serjeant W.	Military	Saugor	Mhow.	
121	Parker, Gunner W.	Ditto	N. W. Provinces	Cawnpore.	
122	Penny, Gunner A.	Ditto	Irrigation, Punjab	2nd Division, Baree Doab Canal.	
123	Phillips, Serjeant R.	Ditto	Punjab	Western Sirhind.	
124	Pritchard, Serjeant S.	Ditto	Pegu	Moulmein.	
125	Protab Chunder Roodroo, Baboo	Civil	Bengal	Dinapore.	

126	Punnah Lall Johury	...	Ditto	..	Ditto	...	Suburban Roads.
127	Purcell, Gunner T.	..	Military	...	Nagpore	...	
128	Rae, Corporal J. P.	...	Ditto	...	Pegu	...	Thyet Myo.
129	Reilly, Bombr. F. T.	...	Ditto	...	N. W. Provinces	...	Cawnpore.
130	Riley, Corporal J.	...	Ditto	...	Punjab	...	2nd Division, Lahore and Peshawur Road.
131	Roberts, Serjeant J.	...	Ditto	...	Ditto	...	Meean Meer.
132	Robson, Serjeant J.	...	Ditto	...	Irrigation, Punjab	...	Baree Doab Canal.
133	Robson, Serjeant P.	...	Ditto	...	Pegu	...	Bassein.
134	Rooney, Pension Serjeant J.	...	Ditto	...	Bengal	...	Dinapore.
135	Rowe, Gunner W.	...	Ditto	...	Pegu	...	
136	Ryan, Mr. J.	...	Civil	...	Bengal	...	Lower Assam.
137	Ryder, Serjeant J.	...	Military	...	Oude	...	
138	Scott, Serjeant W.	...	Ditto	...	Irrigation, N. W. P.	...	5th Division, Ganges Canal.
139	Sexton, Serjeant P.	...	Ditto	...	N. W. Provinces	...	Landour and Deyrah.
140	Sharpe, Gunner J. H.	...	Ditto	...	Nagpore	...	Nagpore.
141	Sheehan, Gunner W.	...	Ditto	...	Irrigation, Punjab	...	Baree Doab Canal.
142	Shudamadub Bose, Baboo	...	Civil	...	Bengal	...	24-Pergunnahs Embankment.
143	Smyth, Mr. J. L.	...	Ditto	...	Ditto	...	2nd Division, Grand Trunk Road.
144	Sohan Lall	...	Ditto	...	Punjab	...	7th Division, ditto ditto.
145	Stewart, Gunner J. A.	...	Military	...	Bengal	...	Lower Assam.
146	Sullivan, Corporal F.	...	Ditto	...	Punjab	...	Umballah.
147	Summers, Gunner E.	...	Ditto	...	Pegu	...	Pegu.
148	Taylor, Gunner W. (1st)	..	Ditto	...	Irrigation, Punjab	...	3rd Division, Baree Doab Canal.
149	Taylor, Gunner W. (2nd)	...	Ditto	...	N. W. Provinces	...	Haupper and Bolundshuhur.
150	Thompson, Mr. W. B.	...	Civil	...	Punjab	...	Lahore and Beas Road.
151	Toole, Corporal E.	...	Military	...	Ditto	...	Umballah.
152	Toomey, Gunner E.	...	Ditto	...	Pegu	...	Moulmein.
153	Walker, Private C.	...	Ditto	...	N. W. Provinces	...	3rd Division, Grand Trunk Road.
154	Walsh, Serjeant J.	...	Ditto	...	Punjab	...	3rd Division, Lahore and Peshawur Road.
155	Ward, Mr. J.	...	Civil	...	Ditto	...	4th Division, ditto ditto.
156	Weller, Bombardier J.	...	Military	...	Pegu	...	Sittang.
157	West, Mr. A.	...	Civil	...	Bengal	...	South Hidgellee Embankments.
158	Whelan, Serjeant J.	...	Military	...	Irrigation, N. W. P.	..	4th Division, Ganges Canal.
159	Williams, Mr. T. H.	...	Civil	...	Irrigation, Punjab	...	Ma dhopore Work-shops.
160	Wilson, Corporal J.	...	Military	...	Pegu	...	
161	Wilson, Serjeant W.	...	Ditto	...	Irrigation, N. W. P.	...	Roorkee W ork-shops.
162	Woods, Serjeant R.	...	Ditto	...	Oude	...	
163	Wren, Corporal D.	...	Ditto	...	Bengal	...	2nd Div ision, Grank Trunk Road.

77 Vacancies.

14 Places reserved for Hyderabad and Mysore.

No. 116 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Surgeon William Martin, of the Medical Department, Superintendent of the Eye Infirmary	For 18 months, under the old Regulations.

No. 117 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment :—

Surgeon Charles Archer, M. D., of the 34th Regiment Native Infantry, to be Superintendent of the Eye Infirmary, *vice* Surgeon Martin, proceeding to Europe on Sick Certificate, subject to the approval of the Hon'ble the Court of Directors. This appointment will have effect from the date of departure of Dr. Martin.

Fort William, 22nd January 1857.

No. 118 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Fort William.
Captain Henry Stone, of the 3rd Regiment Light Cavalry, ...	16th January 1857.

No. 119 *of* 1857.—The leave of absence, to visit the Presidency, preparatory to applying for leave on Sick Certificate to Europe, granted to Captain H. A. Dorin, of the 27th Regiment Native Infantry, Officiating Assistant Commissary General 1st Class, in Government General Order No. 1596, of the 23rd December 1856, is to be held to have effect from the 26th November, instead of from the 10th December 1856.

No. 120 *of* 1857.—The Order issued by the Brigadier Commanding the Punjaub Irregular Force, No. 321, dated 16th December 1856, directing Ensign W. G. Chalmers, of the 51st Native Infantry, temporarily attached to the 3rd Punjaub Infantry, to do duty with the 1st Punjaub Infantry, consequent on the arrival of Ensign J. J. Boswell, to do duty with the 3rd Punjaub Infantry, is confirmed.

No. 121 *of* 1857.—The under-mentioned Probationers at the Artillery Depôt of Instruction are appointed to officiate as Sub-Conductors in the Ordnance Commissariat Department from the 6th Instant, the date on which they passed the prescribed Examination, leaving the date of their Warrants for future adjustment :—

Serjeant Major James Smith, 15th Regiment Native Infantry.

Serjeant Major R. N. Settle, 70th Regiment Native Infantry.

No. 122 *of* 1857.—The name of Family Pensioner Odassee *(alias* Sewbuchna) No. 476 Benares Circle, who fraudulently obtained admission to the Pension Establishment by General Orders by the Commander-in-Chief of the 20th November 1844 as the mother of the late Nohur Sing, Sepoy Volunteer Regiment, she being in reality the sister of the deceased, is struck off the Pension List from the date of last payment made to her.

Pensioned Sepoy Neerban Sing, 31st Native Infantry, No. 2724 of the same Circle, one of the sureties, and whose connivance in the fraud above referred to has been established, is, in like manner, to be struck off the Pension List from the date of last payment made to him.

No. 123 *of* 1857.—Sub-Assistant Surgeon D. W. Renton, late in Medical Charge of the 1st Regiment Sikh Infantry, is allowed leave of absence, for one year, to proceed to Europe, for the purpose of appearing before the Board of Examiners.

No. 124 *of* 1857.—In order to relieve Band Funds of Regiments from the heavy expense caused by Pay-masters forwarding remittances on thick paper bearing Postage, the Right Hon'ble the Governor General of India in Council is pleased to direct that, whenever the sums deducted cannot be included in the Pay Statements and Drafts of Corps, Paymasters shall make use of thin paper for both Statement and Envelope, and shall prepay the Letters by Stamp, deducting only the value of the Minimum Stamp from the Draft remitted.

Pay-masters will be held personally responsible for any excess of Postage arising from neglect of these precautions.

No. 125 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment without prejudice to his rank by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Bombay.
Captain Frederick Richard Pollock, of the 49th Regiment Native Infantry, 2nd Class Deputy Commissioner in the Punjaub, Dehra Ghazee Khan, on furlough for nine months, from 17th April 1856, Government General Orders Nos. 259 dated 15th February, and 1427 dated 18th November 1856	11th Jan. 1857.

No. 126 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotions :—

3rd European Regiment.

Captain and Brevet Major George Powell Thomas, to be Major ... ... Lieutenant Edmund David Russell Ross, to be Captain of a Company ... ... Ensign Henry George Saunders, to be Lieutenant ...	From the 21st January 1857, in succession to Major William Jervis, retired.

Fort William, 23rd January 1857.

No. 127 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointments :—

OUDE IRREGULAR FORCE.

1st Cavalry.

Lieutenant G. J. Bax, of the 48th Regiment Native Infantry, Officiating Adjutant, to officiate as Second in Command, *vice* Lieutenant Johnson, proceeding on service to Persia, or until further orders.

Lieutenant J. Graham, of the 4th Regiment Light Cavalry, to officiate as Adjutant, *vice* Lieutenant Bax, or until further orders.

Brevet Major W. E. Warden, of the 23rd Regiment Native Infantry, to be Cantonment Joint

Magistrate of Mhow, in addition to his Regimental duties, *vice* Lieutenant Magrath, of the 21st Madras Native Infantry.

No. 128 *of* 1857.—The following list of rank of Cadets, appointed for the Bengal Presidency, is published for general information :—

No. 6 of 1856.

List of Rank of Cadets for the Bengal Cavalry.

To rank from the date of his departure from Southampton by the Overland route, *viz* :

Arthur Haldimand Prinsep, ... 20th October.

To rank from the date of the departure from Southampton of the Overland Mail, and in the following order, they having proceeded *vid* Marseilles to join the same at Alexandria, *viz.*:—

John Henry Townsend Farquhar, } 4th Nov.
Charles Elliot Farquharson, ... }

To rank from the date of his departure from Southampton by the Overland route, *viz.*:—

Cecil Clarke Jervoise, ... 4th Nov.

To rank from the date of the departure from Southampton of the Overland Mail, he having proceeded *viâ* Marseilles to join the same at Alexandria, *viz.* :

Samuel Boulderson,..... 20th Nov.

To rank from the date of their departure from Southampton by the Overland route, and in the following order, *viz.* :—

Richard Graham Birch, ... }
Richard Beadon, ... } 20th Nov.
John Campbell Erskine Macnabb, }
Thomas Macnaghten Turner, ... }

(Signed) Philip Melvill,
Secy. Mily Dept.

East India House,
3rd December 1856.

(A true copy)
(Signed) J. C. Melvill.

East India House, }
London, 10th Dec. 1856. }

No. 129 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to assign rank to the under-mentioned Cornets of Cavalry, from the dates expressed opposite to their respective names :—

Cornet Arthur Haldimand Prinsep, 20th October 1856.

Cornet John Henry Townsend Farquhar, 4th November 1856.

Cornet Charles Elliot Farquharson, 4th November 1856.

Cornet Cecil Clarke Jervoise, 4th Nov. 1856.
Cornet Samuel Boulderson, 20th Nov. 1856.
Cornet Richard Graham Birch, 20th Nov. 1856.
Cornet Richard Beadon, 20th November 1856.
Cornet John Campbell Erskine Macnabb, 20th November 1856.

Cornet Thomas Macnaghten Turner, 20th November 1856.

No. 130 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following postings of unposted Cornets :—

Rank and Names	To what Regiment posted.	Stations.
Cornet Arthur Haldimand Prinsep	9th Light Cavalry.	Sealkote.
Cornet John Henry Townsend Farquhar	7th Light Cavalry.	Lucknow.
Cornet Charles Elliot Farquharson	6th Light Cavalry	Ordered to Jullundur.
Cornet Cecil Clarke Jervoise	3rd Light Cavalry.	Meerut.
Cornet Samuel Boulderson	5th Light Cavalry.	Peshawur.
Cornet Richard Graham Birch	1st Light Cavalry.	Proceeding to Mhow
Cornet Richard Beadon	10th Light Cavalry.	Ferozepore
Cornet John Campbell Erskine Macnabb	8th Light Cavalry.	Moan Meer (Lahore.)
Cornet Thomas Macnaghten Turner	4th Light Cavalry.	Umballah.

No. 131 *of* 1857.—The Right Honorable the Governor General of India in Council is pleased to make the following promotions : Commissions to bear date the 23rd January 1857 :—

9th Regiment Light Cavalry.

Cornet Arthur Haldimand Prinsep, to be Lieutenant.

7th Regiment Light Cavalry.

Cornet John Henry Townsend Farquhar, to be Lieutenant.

6th Regiment Light Cavalry.

Cornet Charles Elliot Farquharson, to be Lieutenant.

3rd Regiment Light Cavalry.

Cornet Cecil Clarke Jervoise, to be Lieutenant.

5th Regiment Light Cavalry.

Cornet Samuel Boulderson, to be Lieutenant.

1st Regiment Light Cavalry.

Cornet Richard Graham Birch, to be Lieutenant.

No. 132 *of* 1857.—*Erratum.*—In Government General Order, No. 1525 of the 9th December 1856. admitting Mr. Prinsep to the Service as a Cadet of Cavalry on this Establishment, *for* Mr. Arthur Prinsep, *read* Mr. Arthur Haldimand Prinsep. Order Books to be corrected accordingly.

No 133 *of* 1857.—The following Paragraphs of a Military Letter from the Honorable the Court of Directors to the Government of India, No. 207, dated 3rd December 1856, are published for general information :—

1. We have appointed Mr. Robert Loveday Inglis and Mr. Evelyn Charles Hill, now abroad, Cadets of Infantry upon the Bengal Establishment, subject to the usual conditions and to their being found qualified agreeably to the prescribed test.

2. Their order of rank will be transmitted in due course.

No 134 *of* 1857.—The services of Senior Apothecary C. Hayes, in medical charge of the Baree Dooab Canal Establishment, are placed at the disposal of the Honorable the Lieutenant Governor of Bengal.

No. 135 *of* 1857.—Serjeant Major J. Baker, of the 1st Battalion Artillery, is appointed to officiate as Sub-Conductor in the Ordnance Commissariat Department, from the 12th Instant, the date on which he passed the prescribed examination, leaving the date of his Warrant for future adjustment.

No. 136 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment :—

NAGPORE IRREGULAR FORCE.

Cavalry.

Lieutenant C. H. Ricketts, of the 5th Regiment Madras Light Cavalry, Acting Adjutant, to be Adjutant, *vice* Lieutenant Douglas, who vacates on promotion to Captain Regimentally.

No. 137 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick Certificate :—

Captain Edward Charles Warner, of the 2nd Regiment Light Cavalry ...	For three years, under the old Regulations.

No. 138 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment without prejudice to their rank, by permission of the Honorable the Court of Directors :—

	Date of Arrival at Fort William.
Captain Roderick Bannatyne Macleod, of the 4th Light Cavalry (Lancers) ...	22nd January 1857.
Captain Thomas Fourness Wilson, of the 13th Regiment Native Infantry ...	
Lieutenant Charles Danbuz Jones, of the Corps of Engineers ...	
Lieutenant Thomas Branfill Harrison, of the 10th Regiment Light Cavalry	
Lieutenant William Henry Buttanshaw, of the 5th Regiment Native Infantry ...	
2nd Lieutenant John McKenzie Fraser, of the Regiment of Artillery ...	
Senior Surgeon Habberley Maddison Tweddell, Garrison Surgeon of Chunar ...	
Assistant Surgeon Major Ainger, F. R. C. S., of the Medical Department ...	

No. 139 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotions :—

Infantry.

Lieutenant Colonel and Bt. Colonel Sir Justin Shiel, K. C. B. and K. L. S., to be Colonel ...	From the 28th November 1856, in succession to Colonel (Major General) Stephen Moody, deceased.
Major and Bt. Lieutenant Colonel Thomas Plumbe, to be Lieutenant Colonel .. *27th Regiment N. I.*	
Captain and Bt. Major Richard Salisbury Simpson, to be Major	
Lieutenant Erskine Grant Langmore, to be Captain of a Company ...	
Ensign Frederic Macnaghten Armstrong, to be Lieutenant ...	

54th Regiment Native Infantry.

Ensign Edward Daniel Hamilton Vibart, to be Lieutenant, from the 26th November 1856, *vice* Lieutenant Leslie Nicholson, deceased.

No. 140 *of* 1857.—The under-mentioned gentlemen are admitted to the service in conformity with their appointment by the Hon'ble the Court of Directors as Cadets of Engineers and Infantry on this Establishment. The Cadets of Engineers are promoted to the rank of 2nd Lieutenant from the date assigned to them in G. G. O. No. 1591, of the 25th December 1856, and that of Infantry to the rank of Ensign, leaving the date of his Commission for future adjustment :—

Engineers.	*Date of Arrival at Fort William.*
Mr. Edward Jones, ...	22nd January 1857.
„ Edward Talbot Thackeray, ...	
Infantry.	
Mr. Henry Goschen,... ..	

No. 141 *of* 1857.—The under-mentioned Officer reported his departure on the date specified opposite to his name :—

Brevet Major S. R. Tickell, of the 31st Regiment Native Infantry, Deputy Commissioner at Amherst, on leave for 15 months, Government General Order No. 41 of the 7th January 1857.	"Southampton" 15th January 1857.

No. 142 *of* 1857.—Captain Frederick Neil Edmonstone, of the 4th Regiment Light Cavalry (Lancers) Deputy Pay Master Cawnpore Circle, is allowed leave of absence from the 6th Instant, to visit the Presidency, preparatory to obtaining leave to the Neilgherry Hills, and further leave to proceed to the Neilgherry Hills on Medical Certificate, and to be absent from Bengal on that account for twelve months under the old Regulations.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India,
in the Mily. Dept.

LIST OF PACKAGES LYING UNCLAIMED ON THE CUSTOM HOUSE WHARF.

Date of Landing.		Mark or Address of Packages.	Ships.
1856 July ..	24th,	1 Case unknown, marked G G in diamond, A No 3, ...	Gleaner.
Ditto ..	31st	3 Casks Merchandise, marked 50 in diamond, R S M & S, 2'89 to 91, ...	Nile.
Ditto ..	„	3 Cases ditto, marked 2186 to 88, ...	Ditto.
August ..	4th,	5 Barrels Gunpowder,* marked 40 in diamond, S D and Co., 4 Ditto ditto,* marked 17 in diamond, W T F, ...	Bucephalus.
Ditto ..	6th,	3 Small Bags Pepper and 1 Bag Betel-nuts, ...	Alert
Ditto ..	8th,	6 Crates Merchandise, marked B N, ...	Cumberland.
Ditto ..	11th,	130 Bundles and 21 Bars Iron, no mark, ...	Contest.
Ditto ..	21st,	5 Bars Iron, do, ...	John MacVicar
Ditto ..	23rd	1 Package Sample, J. G. Bagram, Esq, ...	Str Lancefield.
Ditto ..	29th,	1 Case Merchandise, R B Oakley, Esq, ...	Mallard
Sept, ..	5th,	3 Butts Merchandise, marked E I F B S, Nos. 1 to 3, ...	Bucephalus
Ditto ..	6th,	3 Bars Iron, marked C A S, ...	Earl of Shaftesbury.
Ditto ..	9th,	1 Bundle Rod Iron, no mark, ...	Toft Combs.
Ditto ..	10th,	5 Butts Merchandise, E I F B S, Nos. 4 to 8, ...	Bucephalus.
November	5th,	2 Slabs Spelter marked C. R., ...	Caribon.
Ditto ..	12th,	7 Bags Wet Dates, no mark, ...	Fazie Rohman.
Ditto ..	13th,	1 Bag Copper Cash, marked P M, ...	Str. Lightning.
1857 January	3rd,	1 Parcel unknown, D. Wilson and Co., ...	St. Fiery Cross.
Ditto ..	„	1 Box ditto, Robert and Charriol, ...	Ditto.
Ditto ..	7th,	1 Case ditto, H C, N . 2 also Thos Thomson, ...	Monarch.
Ditto .	13th,	2 Boxes Copper Cash, M	Str. Lightning
Ditto	19th,	2 Cases unknown, J Melany, Esq,, ...	Arratoon Apear.
Ditto ..	„	3 Cases ditto, P Wigram, ...	Queen.
Ditto ..	„	1 Case ditto. Captain Fookes, ...	Ditto.
Ditto ..	„	2 Cases ditto, Mrs W. H. Thacker, ...	Ditto.
Ditto ..	„	1 Case ditto, Mr. J Pender, ...	Ditto.
Ditto ..	20th,	1 Package unknown, the Chief Secretary to Government, ...	Asa Packer.
Ditto .	2 st,	107 Pieces Flat Iron, No mark, ...	Blenheim.
Ditto ...	„	1 Bale Merchandize, P R C, ...	Marquard Family.
Ditto .	„	1 Case ditto. J W H L, ...	Queen.
Ditto ..	„	1 Case unknown C V Argles care of Captain Argles, ...	Ditto
Ditto ..	„	1 Case ditto, B B and Co. 20, ...	Mercury.
Ditto ..	22nd	1 Case ditto, E and S, No. 2, ...	Queen.
Ditto ..	„	1 Case ditto, Miss Obbard, care of Joseph Obbard, ...	Ditto.

* In the Moyapore Magazine.

CALCUTTA; CUSTOM HOUSE,
23rd January 1857

G D. WILKINS,
Offg. Collector of Cust. Customs

CALCUTTA COURT OF SMALL CAUSES,

THE 24TH JANUARY 1857.

Notification.—In pursuance of the power vested in them by Section XLI. of Act IX. of 1850, the Judges of the Small Cause Court, with the approval of the Judges of Her Majesty's Supreme Court, have framed the following Amended Rule, which is now published for general information.

By the Court,
OGILVY TEMPLE,
Clerk of the Court.

PRESENT RULE.	AMENDED RULE.
Rule 22nd.—When any order is made for the payment of any debt or damages, costs, or other sums of money, by instalments, such instalment shall be payable at the Office of the Clerk, at such periods as the Court shall order, and if no order be made fixing the dates of payment of the instalments, then the first instalment shall become due at the expiration of one calendar month from the day of making the order, and every successive instalment at like periods of one calendar month from the day of the previous instalment becoming due.	*Rule 22nd.*—When any order is made for the payment of any debt or damages, costs, or other sum of money by instalments, such instalments shall be payable at the Office of the Clerk, at such periods as the Court shall order; and if no order be made, fixing the dates of payment of the instalments, then the first instalment shall become due at the expiration of one calendar month from the day of making the order, and every successive instalment at a like period of one calendar month from the day of the previous instalment becoming due; and after default in payment of any instalment execution may be sued out for the whole amount then remaining unpaid, unless the Court shall otherwise order: provided that such execution shall not issue upon such default if the instalment or instalments then due shall be paid into Court at any time before execution is applied for.

No. 2.

FROM

THE OFFG. SECRETARY TO THE BOARD OF REVENUE L. P.

TO

THE COMMISSIONER OF REVENUE FOR THE DIVISION OF

Dated Fort William, the 14th January 1857.

SIR,

I AM directed by the Board of Revenue to forward a set of Rules regarding the supply of Carriage for Troops on the march, which have received the sanction of the Right Hon'ble the Governor General in Council and which supersede the former Rules upon the same subject.

LAND REVENUE.
W. Dampier,
AND
H. Stainforth,
Esquires.

2nd You will impress upon the several Officers subordinate to you the necessity of attending strictly to these directions, and it will be your duty to bring to the notice of the Board any deviation from them.

3rd. A copy of the Purwannah referred to in Rule 13 is also forwarded herewith. You will instruct your Subordinates to indent for as many Copies as will suffice for a year's consumption. The Superintendent of the Lithographic Press has been directed to comply with the Indents.

I have the honor to be,
Sir,
Your most obedt Servant,
(Signed) F. T TREVOR,
Offg. Secretary.

RULES.

1. Carriage is not to be supplied by any Civil Officer, except on regular Indent countersigned by the Commanding Officer. Upon receipt of the Indent the Civil Officer will inform the Commanding Officer of the rate of hire per diem for a hackery in the District and of the load a Cart is able to carry.

2. A Copy of the Route enumerating the halting places shall be sent to the Civil Officer at the same time with the Indent.

3. A Copy of the Indent and the Route shall immediately be forwarded by the Civil Authority to the Collector of the adjoining District, with enquiries whether he can furnish the Regiment with Carriage, and if so, at what Station. Copy of the Reply shall be forwarded to the Commanding Officer for his information.

4. Carriages to be hired to a convenient stage in the adjoining District, beyond which it is not to be taken unless the Collector of that District shall certify that a relief cannot be furnished.

5. The Civil Authorities are forbidden under any circumstances to furnish Carriage in excess of that entered in the second column of the Table contained in Government Order No. 964 of 1854.

6. Not less than fifteen days' notice shall be given to the Civil Authority before the day the Regiment is to march.

7. As Carriage cannot always be procured at a moment's notice, and as it is but equitable that the Owners thereof should be remunerated from the date from which it may be furnished, it is hereby directed that full hire shall be paid at the established rate of the District from the day on which the Carriage is procured by the Collector or other Officer.

8. The amount of hire incurred from the date the Carts are taken up by the Collector to the date on which they are made over to the Military Authorities, shall be charged by the Collector in a bill vouched in the usual manner, The Military Auditor General shall pass the same, retrenching the proportion chargeable to the Regiment from the Pay Bill.

9. Whenever Carriage is engaged to any place half the hire must be paid in advance. The Civil Officer furnishing the Carriage will make this advance before making over the Carriage to the Military Authorities The amount so disbursed shall be entered in a Bill, and dealt with as the amount of hire under the preceding Rule.

10. Back hire at half the fixed rates of the same number of stages returning is to be paid in every instance when Carriage is furnished by Civil Authorities.

11. Unless in cases of emergency, such as the breaking down of Carriage, death of Cattle, &c, Carriage is not to be exchanged except at the regular Stations along the Road.

12. The Commanding Officer of a Regiment or Detachment shall be held responsible for the full payment of the Carriage furnished on its reaching the destination agreed upon, as well as for securing to each Owner payment of full hire should any delay occur in the Regiment marching, of hire for halts and of back hire as prescribed in Rule 10.

13 A Purwannah shall be given to each Driver, signed by the Collector and sealed with his Office Seal. The Purwannah shall be in English, Hindustani and Bengali, and under it, the Driver shall be exempt from seizure during his return home to furnish Carriage for other Troops, unless they are marching in the direction in which his house may happen to be

14. It shall be the duty of Commanding Officer to see that the maximum weight allowed in G. O No 964 of 1854 is never exceeded by any parties under his Command.

WHEREAS Hackery Driver, Inhabitant of Mouzah Pergunnah Zillah has been engaged to take a portion of the baggage of from to this Purwannah is given to him in accordance with the orders of the Governor General in Council under which he with his Cart and Bullocks is exempt from seizure on his way home to furnish Carriage for other Troops unless such Troops happen to be marching in the direction of his home. Dated the

مسمي گاڈی بان باشندہ موضع پرگنہ
متعلقہ ضلع کچہ اسباب ولواز مہ بابت
سپاہان پلٹن نمبر تحویل گاڈی اپنے بوجھائي کو مقام
سے مقام تک لیجانا هي نظر بران حسب الحکم قصا
شیم نواب مسطاب معلي القاب گورنر بہادر کونسل بمہ
پروانہ نامبردہ کو عطا کیا جاتا هي واضح رهي کہ
بلحاظ حکم معظمہ صدر نامبردہ وگاڈي وبہلا ن آسکا
وقت مراجعت لیجانے سے اسباب سپاہان دوسرے
پلٹن کے محفوظ ومخلص رهیگا مگر لینے مین اسباب سپاہان
پلٹن کہ آنا آنہونکا بطرف سکن گاڈی بان مذکور کے
اتفاق هوے عذر آسکا سنا نہین جاویگا فقط
تحر بربقا ریخ

জেলা সংক্রান্ত : পরগনার
অন্তঃপাতি মৌজা সাকিনের শ্রী
গাড়িবান নং পল্টনের সিপাহীদিগের
আ-বাব আদি আপন গাড়িতে বোঝাই করিয়া
মোকাম হইতে মোকাম পর্য্যন্ত
হইয়া যাইতেছে একারণ শ্রীল শ্রীযুক্ত গবর্ণর জেনে-
রেল বাহাদুর হুজুর কৌন্সলের হুকুমানুজাই
অত্র পরওয়ানা উক্ত গাড়িবানকে প্রদান করা
যাইতেছে. প্রকাশ থাকে যে ব্যক্তিত হুকুম-
নামারে ঐ গাড়িবান ও তাহার গাড়ি ও গরু
প্রত্যাগমন কালিন অন্য পল্টনের সিপাহীদিগের
আসবাব বোঝাই লইয়া যাওনে অব্যাহত পাই-
বেক কিন্তু ঐ গাড়িবানের বাসস্থলের দগে যদি
কোন পল্টনের সিপাহীদি গর আগমন ঘটনা
হয় তাহারদিগের আসবাব লওনে ঐ গাড়িবানের
আপত্ত হুত যোগ্য হইবেক না ইতি সন ১৮
ইঙ্গরেজি তারিখ

Collector.

Notice.

THE General Treasury will be closed on Monday, the 26th Instant, on account of the Hindoo Holiday, Uddho Udoy Joga.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 16th January 1857.

Notice.

THE General Treasury will be closed on Friday, the 30th, and Saturday, the 31st Instant, on account of the Hindoo Holidays, Shree Punchomee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 20th January 1857.

Notice.

No. 89.

SALT MERCHANTS and Importers of Salt are hereby informed, that arrangements have been made for storing any Salt discharged from Vessels in the Mutlah which it may be desired to bond.

The Golahs will, for the present, be under the charge of the Customs Inspector, who will superintend the receipt of the Salt and its weighment out of Bond on presentation of the usual documents.

By order of the Board of Revenue,

E. T. TREVOR,
Officiating Secretary.

FORT WILLIAM,
The 20th January 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, one Second (1s.) before Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.*,
Town Major.

FORT WILLIAM,
The 21st January 1857.

Notification.

THE undersigned is requested to give notice, that the Madras Exhibition will be opened on Monday, the 16th of February 1857, and that articles for transmission to the Exhibition will be received at the Mint until the 5th of February 1857.

J. H. BELL,
Officiating Mint Master.

CALCUTTA MINT,
The 15th January 1857.

Abkaree Notification.

NOTICE is hereby given, with reference to Sections 6, 26, 32, 33, 34, 39, 80, 82, Act XXI. of 1856, that, with the sanction of Government, the Rules of the Abkaree Department, now in force, will continue to be enforced after the 1st February 1857, pending the preparation of revised Rules under the provisions of the said Act.

By order of the Board of Revenue,

C. S. BELLI,
Offg. Junior Secretary.

FORT WILLIAM,
The 14th January 1857.

For Dacca and Assam.

THE H. C. Steamer *Megna*, with the Cargo Boat *Kaleegungah* in tow, will leave at 3 P. M. of the 26th Instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

J. WOODLEY,
Clerk of the Govt. Boat Office.

The 19th January 1857.

SEALED TENDERS will be received by the Civil Architect, in his Office in Calcutta, No. 42, Park Street, up to 4 P. M. on Saturday, 31st January 1857, for the purchase and removal of the Materials belonging to the House in the Circular Road Burial Ground, occupied by the Overseer.

Time for Execution, two (2) months.

The Sketch of the Building can be seen, and further information obtained, on personal application at the Civil Architect's Office.

A deposit in Cash of Five Hundred (500) Rupees is required with each Tender, returnable on rejection of Tender, or after completion of Contract; or in the event of nonfulfilment within the stated time, to be at the disposal of the Civil Architect, to cover expenses in completing the removal of the Materials and Rubbish.

C. B. YOUNG, *Captain,*
Civil Architect.

Sheriff's Office, the 7th January 1857.

NOTICE is hereby given, that a Sessions o *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Wednesday, the Fourth day of February next, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. Braddon,
Sheriff.

শরিফ আফিস ৭ জেনুআরি ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ৪ ফেবরুআরি বুধবার দুই প্রহরের সময় কলিকাতার ফোর্টউইলিয়মের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমণ্ডে বঙ্গদেশের ফোর্ট উইলিয়মের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটী অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান অদ্যকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. Braddon,
Sheriff.

Notification.

No. 41.

Mr. C. A. Bruce, Uncovenanted Deputy Collector of Durrung, received charge of the Treasury of that District on the 9th Instant.

G. G. Mackintosh,
Accountant to the Govt. of Bengal.

Fort William;
Office of Acctt. to the Govt. of Bengal,
The 23rd January 1857.

Calcutta University.

MEDICINE.

Licentiate in Medicine and Surgery.

First Examination 1857.

1. The First Examination will take place on the 16th day of March 1857.

2. No Candidate shall be admitted to this Examination, unless he have produced Certificates to the following effect:—

(a.) Of having completed his Eighteenth year.

(b) Of having been engaged in Medical Studies for two Academic years.

(c.) Of having attended Courses of Lectures on the following subjects:—

Descriptive and Surgical Anatomy	}	Two Courses.
Chemistry		Two Courses.
Botany		One Course.
Materia Medica. ...		One Course.

(d.) Of having dissected during two Winter Terms, and of having completed at least Twelve Dissections during each of these Terms.

3 These Certificates must be transmitted to the Registrar on or before the 9th day of March 1857.

4. Candidates will be examined in the following Subjects:—

Descriptive and Surgical Anatomy.
Chemistry.
Botany.
Materia Medica and Pharmacy.

5 The Examination will be Written, Oral, and Practical.

6 The Examinations will be conducted in the following order, *viz.*:

Monday,	March	16th,	Anatomy and Physiology (Written Paper)
Tuesday,	„	17th,	Anatomy and Physiology (Oral & Practical.)
Wednesday,	„	18th,	Materia Medica, (Written Paper.)
Thursday,	„	19th,	Chemistry, (Written Paper.)
Friday,	„	20th,	Practical Anatomy
Saturday,	„	21st,	Descriptive and Surgical Anatomy, (Written Paper.)
Monday,	„	23rd,	Materia Medica, (Practical.)
Tuesday,	„	24th,	Chemistry, (Oral.)
Wednesday,	„	25th,	Botany, (Written Paper)
Thursday,	„	26th,	Botany, (Practical.)

7. The Examination will be held from 11 A. M till 4 P. M. on the above-mentioned days. The Candidates are required to be in attendance quarter of an hour earlier than the beginning of each Examination in order that no time may be lost in taking their places.

8. On the 2nd of April, the Examiners will arrange the successful Candidates in two Divisions, whereof the first will be arranged in the order of Merit, and the second in Alphabetical Order.

9. If in the opinion of the Examiners sufficient merit be evinced, the Candidate who shall distinguish himself the most in Descriptive and Surgical Anatomy, the Candidate who shall distinguish himself the most in Chemistry, the Candidate who shall distinguish himself the most in Materia Medica and Pharmaceutical Chemistry, and the Candidate who shall distinguish himself the most in Botany shall each receive a Scholarship of sixteen Rupees a month for the next two years.

10. No single Candidate shall hold more than one Scholarship at the same time.

11. Under the same circumstances the first and second Candidate in each of the preceding subjects shall each receive a Microscope of the value of one Hundred Rupees.

12. Under the same circumstances, the Candidate who shall distinguish himself the most in Structural and Physiological Botany shall receive a similar prize.

By order of the Vice-Chancellor,

W. Grapel, M A.,
Registrar.

Calcutta University,
The 19th January 1857.

Geological Museum,

IN CONNEXION WITH THE

GEOLOGICAL SURVEY OF INDIA,

HASTINGS' STREET, CALCUTTA.

THE Government of India having recently sanctioned a considerable extension of the "Museum of Economic Geology for India," which had for some years existed under the careful Superintendence of Mr. Piddington in connexion with the Asiatic Society of Bengal, the attention of all who may be interested in the study of Geology, and of all who may desire the internal improvement of this country, is solicited to the objects of this Institution; and their aid in the promotion of these objects is requested.

In the year 1840, a Museum of Economic Geology for India was established, under the sanction of the Honorable the Court of Directors. Its objects and aim were clearly set forth in a brief statement drawn up by Mr. Piddington, and freely circulated at the time. In conjunction with the Asiatic Society of Bengal, and in their Rooms, it grew into some importance, and gradually became the depository of many good and valuable specimens, illustrative of the mineral wealth of this country. But simultaneously with its growth, the Science of Geology itself was rapidly attaining its present development. All cognate Sciences were spreading their domain, and the results of investigations in each were becoming more widely and more largely known. Since then, also, the study of Mineralogy, of Geology, and of Chemistry, has been introduced as a part of the established course of Education, and the practical applications of these Sciences to Mining and to Engineering generally will soon be as regularly taught in this country as they have been for years past in Europe.

The extension of the Museum had become, therefore, essential, if it were to keep pace with the progress of knowledge, and to retain any of its value as a means and aid to instruction. With this view, the Right Hon'ble the Governor General in Council has given orders for the formation, on a much more extended scale than hitherto, of a general Geological Collection, with a special view to illustrate the geological structure, the mineral wealth, and the manufacturing resources of this Empire. A commodious house has been rented for the purpose at present, and it is intended that abundant accommodation shall be provided for the Museum in the new building for the University in Calcutta, when the Geological Collection will form a portion of the general Collections of Natural History to be connected with that establishment.

In the Museum now in progress of formation every thing tending to illustrate the Geology of this country, in its widest sense, will find a place. The history of the Science, the progress of its investigations, the nature of its classifications, the phenomena with which it is concerned, the laws of those phenomena, will all be illustrated. The grand series of organisms, the remains of which occur in such abundance in various deposits, will be exhibited, and the whole Natural History of rocks traced out, so far as collections enable this to be done. By the aid of Drawings, such objects as cannot be procured will be made familiar to the Student, and by the use of Maps, the structure of countries, which it would be impossible for many to visit, will be made known.

While thus endeavouring to render the Student acquainted with the principles of the Science, the practical applications of these principles will, at the same time, be fully exhibited. Mining processes, mining products, and the principal metallurgical operations, will also be included, and the comparative excellence of each, so far as possible, made known. The building materials of the Country, and their applications, the localities where used, the durability, the facility of working, the strength, &c., of the stones, will all be examined into. The importance of Mineral Waters must not be overlooked, and the value of these will be determined by careful investigations.

Further, in a country so essentially agricultural as India, the character of the soils and sub-soils, their peculiar adaptation to peculiar crops, their composition, and, in dependence upon this, the easiest means of renewing or increasing their fertility; all these are important questions which at once connect themselves with the researches of the Geologist, inasmuch as the natural powers of any soil depend essentially on the source from which that soil has been derived, and therefore on the geological structure of the district.

To enable such enquiries to be effectively carried out, a small Laboratory is attached to the Museum, where such analyses and investigations as may be requisite will be carried on; and it is hoped that most valuable, because accurate and detailed, information may thus be acquired.

Moreover, careful summaries of all existing knowledge on the geological structure of the Country, will be compiled and arranged, so as to facilitate reference. Much has been done in investigating the geological structure of this Country, and very valuable papers have been given to the public, descriptive of various parts of India. But these facts are scattered through various periodicals, are often only incidentally noticed in travels, or can be found only in manuscript among the Records of Public Offices. Many of these are with difficulty intelligible, from the writers frequently calling similar objects by different names, or *vice versâ*. It is, therefore, necessary to obtain the key to the terms used before these can be compared. It will be an object with the Officers of the Geological Survey to remove this difficulty, and to bring into an accessible form every thing which has been published bearing on the geological structure, the mineral wealth, or the manufacturing industry (so far as this is concerned with mineral products) of this Empire.

The Museum of Geology has been placed in connexion with, and under the same superintendence as, the Geological Survey of India. By this means opportunities will be afforded of procuring a very perfect series of the rocks, fossils, and minerals of the districts visited by that Survey. But the aid of all is solicited in completing such local collections as may illustrate the structure of the several districts. Every one will be able to contribute something of value. Those permanently resident in any locality have infinitely greater advantages and facilities for procuring good illustrations of its mineral structure and products than any visitor could enjoy, and from such we confidently look for much that will prove of great interest and of great value. Every thing which can, in any way, tend to illustrate the rocks, the fossils, the minerals, or the practical applications of these will prove interesting.

Regarding the nature and properties of all specimens forwarded, the fullest information will be freely afforded, on application to the Curator of the Museum. Organic remains will be examined, and, so far as possible, carefully named for contributors, and every facility given for the investigation of any particular subject or any particular line of research connected with Geology.

The formation of a Library of reference, in connection with the Museum, has been sanctioned, and has already made considerable progress. Under proper restrictions, this will be accessible to all Students of Geology, and others interested in such enquiries.

Catalogues of the several departments of the Museum will be issued from time to time. Public Officers, and other persons in all parts of India, are requested to send contributions. All specimens, carefully packed, may be forwarded by the safest and most economical mode of conveyance, addressed to

THE MUSEUM OF GEOLOGY,
No. 1, HASTINGS' STREET,
Calcutta.

And it is requested that a communication stating fully the wishes of the donors may, at the same time, be forwarded by post to

THE DIRECTOR OF THE MUSEUM OF GEOLOGY,
No. 1, HASTINGS' STREET,
Calcutta.

Rules for Admission of Public, &c.

The Museum will be open daily, excepting Sundays, from 10 o'clock A. M to 6 P M

ADMISSION FREE.

VISITORS are requested to enter their names, and number of party, in a Book provided for that purpose.

The attendants in the Museum are strictly forbidden to speak to, or interfere with visitors in any way, excepting for the protection of the Museum and its contents.

It is particularly requested, that any irregularity or want of civility may be reported at once to the Curator of the Museum.

The collections being exposed for public benefit, it is confidently hoped that the public will feel the importance of carefully preserving what conduces to their instruction and advantage, and will therefore aid the Officers of the Museum in the discharge of their duty

Students of Geology, or persons desirous of information on any special point, are requested to apply to the Curator at the Museum on Tuesdays and Saturdays, between the hours of twelve and four. In particular cases, this aid wil be afforded at any time; but as it is essential that the Officers in charge of the Museum should be able to devote much of their attention to the arrangement of the collections, to the examination of specimens, and to the general duties of their Office, it is hoped that the public will aid in these objects by not interrupting them, under ordinary circumstances, at other times than those fixed above.

Gentlemen interested in geological pursuits mines, &c., in special agricultural objects, or in the use of new or untried building materials, &c., who may desire detailed examination of any mineral substance, or definite information for a special object, are requested to apply by letter (post paid) addressed to the *Director of the Museum of Geology, 1, Hastings' Street, Calcutta*, stating as clearly as possible their wishes. All such communications will be attended to at the earliest possible opportunity, and in the order of their receipt.

Visitors and others are requested to contribute to the Collections every thing which may appear interesting, or locally peculiar.

The servants of the Museum are prohibited, under pain of instant dismissal, from asking for, or receiving, any gratuity whatever, and it is hoped that none may be offered.

The Museum will be open from the 1st day of January 1857.

(Signed) THOMAS OLDHAM,
Superintendent of Geological Survey.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Charles Gregory Deiderick Betts, of No. 55, Upper Circular Road, in Calcutta, Merchant and Agent, an Insolvent.

On Friday, the 16th day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 7th day of March next, and that the said Insolvent should then attend to be examined by the said Court.

Allan, Judge, and Lingham, *Attorneys.*

In the matter of Charles Milbourne West, of No. 16, South Colingah Street, in Calcutta, a Volunteer Pilot in the Bengal Pilot Service, an Insolvent.

On Thursday, the 15th day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 7th day of March next, and that the said Insolvent should then attend to be examined by the said Court.

Beeby, *Attorney.*

Chief Clerk's Office, 20th January 1857.

No 43.

East Indian Railway.

POOJAH HOLIDAYS ON 30TH AND 31ST JANUARY

Notice is hereby given, that Special Trains will be run on the above-mentioned days at the hours noted below—

From		A. M	*From*		A. M.
Howrah, ..	Departure	10-20	Pundoah, ...	Departure	4-0
Bally.	Arrival	10-38	Mugra, ...	Arrival	4-28
Connaghur, ..	„	10-50	Hooghly, ..	„	4-45
Serampore, ..	„	11-2	Chandernagore, ...	„	4-57
Bidabatty, ..	„	11-16	Bidabatty, ..	„	5-14
Chandernagore, ..	„	11-33	Serampore, ...	„	5-28
Hooghly, ...	„	11-45	Connaghur, ...	„	5-40
		P. M.			
Mugra, ...	„	12-2	Bally.	„	5-52
Pundoah, ...	„	12-30	Howrah, ...	„	6-10

The 5-40 Train on the 29th and 30th will run on to Burdwan, returning the following morning at the same hours as on Saturday and Monday.

LINGARD STOKES,
A. BOYLE,
Acting Agents.

EAST INDIAN RAILWAY CO.,
Calcutta, 16th Jan., 1857.

Notice.

THE interest and responsibility of MR. ALEXANDER WALLACE ceased in our firm on the 10th December 1856.

(Signed) HENDERSON WALLACE & Co.

Notice.

IT is hereby notified for general information, that all Bills and Receipts connected with the Military Orphan Press will, from the 18th December 1856, be signed and collected by the Superintendent of the Press, Mr. A. G. Roussac.

By order of the General Management of the Military Orphan Society,

J. O. BECKETT,
Secretary, M. O. S

KIDDERPORE,
The 14th January 1857.

Notice.

THE undersigned beg to notice their Interest in the firm of Wellington, Norfor and Co., of Calcutta, ceases from this date, but the business will be continued by Mr. John Parry and Mr. George Summers Wellington on their own account, under the Firm of Messrs. Parry and Wellington, by whom engagements have been made to insure a continuance of supplies of Messrs. Gledstanes, Coningham and Co.'s Wines, &c., and other arrangements concluded that will insure, to those who favor them with their orders, Wine, &c, of that *Superior Quality* with which it has been the endeavour to claim the attention of the Calcutta public by

GRIFFITHS AND CO.
of Madras.

WITH reference to the above advertisement, the undersigned have this day established themselves as Merchants and Agents.

PARRY AND WELLINGTON,

CALCUTTA;
6, *Old Court House Street*,
1st January 1857.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER

WITH reference to Government Notification No 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge

WM ANDERSON,
Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,

No. 2, Council House Street, } *Secretary.*
Calcutta, 30th January 1855. }

Statement of the Affairs of the Bank of Bengal for the Week ending 21st January 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital, ...	1,07,00,000	0	0	Government Securities, ...	17,23,874	10	10
Reserve Fund, ...	4,02,166	15	7	Dues from Government,...	6,012	14	11
Current Accounts, ...	73,49,202	10	0	Mint Certificates, Undue, ...	24,14,055	4	4
Cash Credits Undrawn, ...	26,00,312	8	1	Cash, ...	88,45,093	4	11
Other Claims, ...	36,637	15	7	Loans on Deposit of Securities,	1,81,69,470	9	0
Bank Notes and Post Bills, ...	1,73,41,866	12	9	Accounts of Credit on ditto, ...	35,13,177	3	3
				Government Bills Discounted, ...	6,78,438	2	2
				Mercantile Bills ditto, ...	29,01,693	14	9
				Dead Stock, ...	1,78,370	10	10
Co.'s Rs.	3,84,30,186	14	0	Co.'s Rs.	3,84,30,186	14	0

Published by order of the Directors,

J. B. PLUMB,
Secretary and Treasurer.

C. N. COOKE,
Accountant.

LOST.—Second-half of a Bank of Bengal Note, No. 12779, for Rupees 15, payment of which has been stopped at the Bank.

On the 26th January 1857,

WILL BE PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c.

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume.

To be forwarded to Mofussil Subscribers in One Volume, strongly bound in Cloth Covers.

PRICE TO SUBSCRIBERS—10 RUPEES.
„ NON-SUBSCRIBERS—12 „

TOGETHER WITH

A complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

THE BENGAL DIRECTORY for the ensuing Year will be amplified and corrected up to the latest date, and MESSRS. SAMUEL SMITH & Co. have resolved upon the production of a Work which, for comprehensiveness, convenience, and elegance, will considerably surpass its predecessor of the current year, or indeed any previous Publication of its class in India.

They have secured the services of a Compiler, whose local knowledge and experience, together with an efficient Establishment, ensure a complete and accurate Directory.

Intending Subscribers are requested to send in their names as early as possible.

The BENGAL DIRECTORY FOR 1857 will comprise Ten complete Parts, *viz.*:

PART I.—ALMANAC.
II.—MILITARY DIRECTORY & ARMY LIST.
III.—CIVIL DIRECTORY.
IV.—MARINE DIRECTORY.
V.—LAW DIRECTORY.
VI.—ECCLESIASTICAL DIRECTORY.
VII.—COMMERCIAL DIRECTORY.
VIII.—MISCELLANEOUS DIRECTORY.
IX.—MOFUSSIL DIRECTORY.
X.—STREET DIRECTORY AND ALPHABETICAL LIST OF INHABITANTS.
XI.—SHIPPING ARRIVALS AND DEPARTURES FOR 1856.
DOMESTIC OCCURRENCES.
ADVERTISEMENTS.

SAMUEL SMITH & CO.

Jan. 17, 1855.

Post Office Notifications

Post Office Notification, showing the Date and Hour of Arrival of the Mails at the General Post Office, and the time occupied in sending the Letters and Papers out for delivery.

Name of the Steamer.	Date and Hour at which the Mails arrived at the General Post Office.	Date and Hour at which the Window-delivery commenced.	Hour of conclusion of the Window-delivery.	Remarks.
Bengal, ...	22nd Jan. 1857, at 3½ P. M.	7-10 P. M. ...	8½ P. M.	

Calcutta;
General Post Office,
The 23rd Jan. 1857.

C. K. DOVE,
Deputy Post-master General.

No. 1756.

NOTICE is hereby given, that the Mails for Akyab, Rangoon and Moulmein, for transmission per Steamer *Manchester*, will be closed at this Office 24 hours after the arrival of the English Mail.

C. K. Dove,
Deputy Post-master General.

Fort William;
General Post Office,
The 20th January 1857.

No. 1760.

NOTICE is hereby given, that an After-Packet for the P. & O. Co's Steamer *Ava* will be made up at this Office, on Saturday, the 24th Instant, at 1 P. M., with the chance of overtaking her at Kedgeree.

Fort William;
General Post Office,
The 21st January 1857.

C. K. DOVE,
Deputy Post-master General.

N. B.—The Public are particularly requested to observe, that in addition to Steam Postage, the Inland Postage to Kedgeree must be pre-paid at the following rates on Letters to Egypt or to any Foreign Ports *vid* Egypt:—

¼ Tolah	...	0	0 6
½ „	...	0	1 0
1 „	...	0	2 0
1½ „	...	0	3 0
2 „	...	0	4 0

and for every Tolah or fraction of a Tolah above two Tolahs, two additional Annas.

Letters sent after 1 o'clock for the purpose of being posted will not be received under any circumstances.

No. 1767.

NOTICE is hereby given, that in consequence of the departure of the Steamer *Fiery Cross* having been postponed, the Mails for Singapore and China will be closed at this Office, on Saturday the 24th Instant.

Calcutta,
General Post Office,
The 22nd January 1857.

C. K. Dove,
Deputy Post-master General.

No. 1770.

NOTICE is hereby given, that in consequence of the departure of the Steamer *Lightning* having been postponed, the Mails for Singapore and China will be closed at this Office, on Saturday the 24th Instant.

Calcutta,
General Post Office,
The 23rd January 1857.

C. K. Dove,
Deputy Post-master General.

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, JANUARY 24, 1857.

Legislative Council.

The 10th January 1857.

THE following Bill was read a second time in the Legislative Council on the 3rd January 1857, and was referred to a Select Committee, who are to report thereon after the 21st of April next :—

THE INDIAN PENAL CODE.

Chapter I.

WHEREAS it is expedient to provide a General Penal Code for the Territories in the possession and under the Government of the East India Company ; It is enacted as follows :—

Preamble.

1. This Act shall be called THE INDIAN PENAL CODE, and shall take effect from the day of throughout the whole of the Territories for the time being in the possession and under the Government of the East India Company.

Title of the Code.

2. Every person shall be liable to punishment under this Code for every act or omission contrary to the provisions thereof, of which he shall be guilty within the said Territories after the said day of*

Punishment of offences committed within the Indian Territories.

3. Any person liable, by any law in force for the time being, to be tried within the said territories, for an offence committed beyond the limits thereof, shall be subject to punishment according to the provisions of this Code. *

Punishment of offences committed beyond, but which by law may be tried within the territories.

4. Every servant of the East India Company shall be subject to punishment under this Code, for every act or omission contrary to the provisions thereof, of which he shall be guilty within the dominions of any Prince or State in alliance with the East India Company whilst in such service and after the said day of

Punishment of offences committed by a servant of the East India Company within a foreign allied State.

5. Except as provided by Clauses 3 and 4 of this Chapter, no person shall be subject to punishment under this Code for any act or omission of which he shall be guilty beyond the limits of the said Territories.

Offences committed beyond the Indian Territories.

6. Nothing in this Act is intended to repeal, vary, suspend, or affect any of the provisions of the Statute 3 and 4 W. IV, c. 85, or of any Act of Parliament passed after that Statute in any wise affecting the East India Company, or the said territories, or the inhabitants thereof; or any of the provisions of any Act for punishing mutiny and desertion of Officers and Soldiers, whether in the service of Her Majesty or of the East India Company, or of any Act for the Government of the Indian Navy, or of any special or local law.

Certain laws not to be affected by this Act.

* With reference to offences committed on the high seas, it is enacted by 18 and 19 Vic. c. 91. s. 21, as follows :—"If any person being a *British* subject, charged with having committed any crime or offence on board any *British* ship on the high seas, or in any foreign Port or Harbour, or if any person, not being a *British* subject, charged with having committed any crime or offence on board any *British* ship on the high seas, is found within the jurisdiction of any Court of Justice in Her Majesty's Dominions, which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such Court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits. Provided that nothing contained in this Section, shall be construed to alter or interfere with the Act of the 13th year of Her present Majesty, chap 96."

* See 26 Geo. III. c 57 s. 29.—33 Geo. III. c. 52. s. 67.— et No. I. of 1849.

Chapter II.

GENERAL EXPLANATIONS.

Definitions in the Code to be understood subject to exceptions.

1. Throughout this Code every definition of an offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions," though those exceptions are not repeated in such definition, penal provision, or illustration.

Illustrations.

(a) The Clauses in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a Police Officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z: and therefore the case falls within Clause 1 of Chapter IV, which provides that "nothing is an offence which is done by a person who is bound by law to do it."

Expression once explained to be understood in the same sense throughout the Code.

2. Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

Expression once defined to be understood throughout the Code as so defined.

3. Every expression which is defined in any part of this Code, is used in every part of this Code in conformity with the definition and in no other sense.

Gender.

4. The pronoun "he" and its derivatives are used of any person, whether male or female.

Number.

5. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

"Man."

6. The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of any age.

"Person."

7. The word "person" includes any Company or Association, or body of persons, whether incorporated or not.

"Public."

8. The word "public" includes any class of the public or any community.

Illustration.

An injury done to the villagers of a particular village is a public injury.

"Queen."

9. The word "Queen" denotes the Sovereign for the time being of the United Kingdom of Great Britain and Ireland.

"British India."

10. The words "British India" denote the Territories in the possession and under the Government of the East India Company.

"Government of India."

11. The words "Government of India" denote the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, as regards the powers which may be lawfully exercised by them or him respectively.

"Government."

12. The word "Government" denotes the person or persons authorized by law to administer Executive Government.

"Presidency."

13. The word "Presidency" denotes all the territories subject to the Government of a Presidency.

"Lieutenant-Governorship."

14. The word "Lieutenant-Governorship" denotes all the territories subject to a Lieutenant-Governor.

"Judge."

15. The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations.

(a) A Collector exercising jurisdiction in a Summary Suit under Regulation VIII of 1831 of the Bengal Code, is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(c) A Member of a Punchayet which has power, under Regulation VII of 1816 of the Madras Code, to try and determine suits, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

"Court of Justice."

16. The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

Illustration.

A Punchayet acting under Regulation VII of 1816 of the Madras Code, having power to try and determine suits, is a Court of Justice.

"Public Servant."

17. The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely—

First. Every covenanted servant of the East India Company;

Second. Every commissioned officer, Military or Naval, in the service of the East India Company;

Third. Every commissioned officer of the Queen's army, while serving under the Government of India;

Fourth. Every Judge;

Fifth Every Officer of a Court of Justice whose duty it is, or who is specially authorized, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court;

Sixth. Every Juryman, assessor, or member of a Punchayet assisting a Court of Justice;

Seventh. Every Arbitrator or other person to whom any cause or matter has been referred by any Court of Justice, or by any other competent public authority;

Eighth. Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Ninth. Every Officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety, or convenience;

Tenth. Every officer whose duty it is, as such officer, to take, receive, keep, or expend any pro-

perty on behalf of Government, or to make any survey, assessment, or contract, on behalf of Government, or to execute any revenue process, or to investigate, or to report, on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government; and every officer appointed by, or in the service or pay of Government;

Eleventh. Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property, or to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town, or district, or to make, authenticate, or keep any document for the ascertaining of the rights of the people of any village, town, or district;

Illustration.

A Municipal Commissioner is a public servant.

Explanation 1. Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2. Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

"Moveable property."

18. The words "moveable property" are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to any thing which is attached to the earth.

"Wrongful gain."

19. "Wrongful gain" is gain, by unlawful means, of property to which the person gaining is not legally entitled.

"Wrongful loss."

"Wrongful loss" is the loss, by unlawful means, of property to which the person losing it is legally entitled.

Wrongful retention

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

Wrongful detention.

"Fraudulently."

20. Whoever does any thing with the intention of causing wrongful gain to one person or wrongful loss or risk of wrongful loss to another person, is said to do that thing "fraudulently."

Property in possession of wife, clerk, or servant.

21. When property is in the possession of a person's wife, clerk, or servant, in trust for that person, it is in that person's possession; and not in the possession of his wife, clerk, or servant within the meaning of this Code.

Explanation. A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this Clause.

"Counterfeit."

22. A person is said to "counterfeit," who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation. It is not essential to counterfeiting that the imitation should be exact.

"Document"

23. The word "document" denotes any matter expressed or described upon any substance by means of letters, figures, or marks, or by one or more of those means, intended to be used, or which may be used, as evidence of that matter.

Explanations 1. It is immaterial by what means or upon what substance the letters, figures, or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations.

A writing expressing the terms of a contract may be used as evidence of the contract. It is therefore a document.

A Cheque upon a Banker is a document.

A Power of Attorney is a document.

A Map or Plan is a document.

A writing containing directions or instructions is a document.

Explanation 2. Whatever is expressed by means of letters, figures, or marks as explained by Mercantile or other usage, shall be deemed to be expressed by such letters, figures, or marks within the meaning of this Clause, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a Bill of Exchange payable to his order. The meaning of the endorsement, as explained by Mercantile usage, is that the Bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

"Valuable security."

24. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a Bill of Exchange. As the effect of this endorsement is to transfer the right to the Bill to any person who may become the lawful holder of it, the endorsement is a "valuable security."

"A Will."

25. The words "a will" denote any testamentary document.

Words referring to acts to include illegal omissions.

26. In every part of this Code except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

Act, whether done directly or indirectly, is equally an offence.

27. Whenever the doing of any particular thing is an offence, it is an offence to do that thing either directly or indirectly.

"Act."
"Omission."

28. The word "act" denotes as well a series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

Effect caused partly by act, and partly by omission.

29. Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration.

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

"Voluntarily."

30. A person is said to cause an effect "voluntarily," when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration.

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

"Offence"

31. The word "offence" denotes a thing made punishable by this Code.

"Special law."

32. A "special law" is a law applicable to a particular subject.

"Local law."

33. A "local law" is a law applicable only to a particular part of British India.

"Illegal."

34. The word "illegal" is applicable to every thing which is an offence, or which is contrary to any direction of the law, or which furnishes ground for a civil action: and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

"Injury."

35. The word "injury" denotes any harm whatever illegally caused to any person in body, mind, reputation, or property.

"Life."

36. The word "life" denotes the life of a human being, unless the contrary appears from the context.

"Death."

37. The word "death" denotes the death of a human being, unless the contrary appears from the context.

"Animal."

38. The word "animal" denotes any living creature, other than a human being.

"Vessel."

39. The word "vessel" denotes any thing made for the conveyance by water of human beings, or of property.

"Year."

40. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British Calendar.

"Clause."

41. The word "Clause" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

"Herein-before." "Herein-after."

42. The word "herein-before" and the word "herein-after" relate to matter contained within the same Clause in which these words occur.

"Oath."

43. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

Definition not to be limited by the title of the Chapter containing it.

44. Nothing which falls within any definition of an offence shall be construed as not being an offence, because it does not fall within the title of the Chapter containing that definition.

"Good faith."

45. Nothing is said to be done or believed in good faith, which is done or believed without due care and attention.

Chapter III.

OF PUNISHMENTS.

Punishments.

1. The punishments to which offenders are liable under the provisions of this Code are,

First.—Death;

Secondly,—Transportation

Thirdly,—Imprisonment, which is of two descriptions, namely:

(1.) Rigorous, that is, with hard labor;

(2.) Simple.

Fourthly.—Banishment from the territories in the possession and under the Government of the East India Company;

Fifthly,—Forfeiture of property;

Sixthly,—Fine.

Commutation of sentence of death.

2. In every case in which sentence of death shall have been passed, the Government of India or the local Government of the place within which the offender shall have been sentenced may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

Commutation of sentence of transportation for life.

3. In every case in which sentence of transportation for life has been passed, the Government of India or the local Government of the place within which the offender has been sentenced may, without the consent of the offender, commute the punishment for imprisonment of either description which may extend to fourteen years, or for banishment from the territories in the possession and under the Government of the East India Company, which may be for life, or for any term.

Remission of punishment.

4. In every case the Government of India or the local Government of the place within which an offender has been sentenced may, at any time, remit the whole or any part of the punishment, without conditions, or upon any conditions to which the offender has agreed.

Sentence of imprisonment, rigorous or simple.

5. In every case in which it is provided that an offender shall be punished with imprisonment of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

Sentence of forfeiture of property.

6. In every case in which an offender is sentenced to forfeiture of all property, the sentence renders that offender incapable of acquiring any property except for the benefit of the Government.

Illustration.

A, for waging war against the Government of India, is sentenced to forfeiture of all his property. After the sentence A's father dies, leaving an estate which, but for the sentence of forfeiture, would become the property of A. The estate becomes the property of Government.

Amount of fine.

7. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited.

Sentence of imprisonment in default of payment of fine.

8. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced, or to which he may be liable under a commutation of a sentence.

* As to cases in which penal servitude must be substituted for transportation, see Act XXIV of 1855.

9. The term for which the Court directs the offender to be imprisoned, in default of payment of a fine, shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

Limit of term of imprisonment for default in payment of fine, when the offence is punishable with imprisonment, as well as fine.

10. The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

Description of imprisonment for such default.

11. If the offence be punishable with fine only, the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case.

Term of imprisonment for default in payment of fine, when the offence is punishable with fine only.

12. The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

Such imprisonment to terminate upon payment of the fine.

13. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Termination of such imprisonment upon payment of proportional part of fine.

Illustration.

A is sentenced to a fine of one hundred Rupees, and to four months' imprisonment in default of payment. Here, if seventy-five Rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five Rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty Rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty Rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

14. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

Fine may be levied within 6 years or at any time during the term of imprisonment.

Death of offender not to discharge his property from liability.

15. Whenever any person, by doing any thing whereby he commits an offence falling under one penal provision of this Code, also commits an offence under another penal provision of this Code, the punishment shall not be cumulative, unless it be so expressly provided.

Punishment of offence falling under more than one penal provision of Code not to be cumulative unless expressly so provided.

Illustration.

A strikes Z with violence knowing it to be likely that he may thereby break Z's arm, and does break Z's arm. Here A commits an assault. He also by the same act commits the offence of voluntarily causing grievous hurt. But A is not liable to punishment both for assault, and for voluntarily causing grievous hurt.

16. Where it is provided that punishment shall be cumulative, that provision does not authorize the combining, in any case, of the punishments provided by more than two penal provisions of this Code.

Provision for cumulative punishment does not authorize a combination of punishments.

17. Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the imprisonment for more than one of such his offences, unless it be so expressly provided.

Limit of punishment of offence which is made up of several offences.

Illustrations.

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating, that is to say, to imprisonment for a term not exceeding one year, if the hurt which he has voluntarily caused is not grievous; and for a term not exceeding ten years, if the hurt which he has voluntarily caused is grievous.

(b) But if, while A is beating Z, Y interferes, and A strikes Y. here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

18. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

Punishment of a person found guilty of one of several offences, (the judgment stating that it is doubtful of which.)

19. Whenever any person is convicted of an offence punishable under this Code with imprisonment of either description, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding six months in the whole or one month at a time, or three months in any one year.

Solitary confinement.

20. Whenever any person, convicted of any offence punishable under this Code with imprisonment of either description for a term of five years or upwards, shall have been previously convicted, whether before or after the passing of this Code, of any offence for which by the law then in force he was liable to imprisonment for a term of five years or upwards, he shall be subject to transportation for life or to double the amount of punishment to which he would otherwise have been liable; provided that he shall not in any case be liable to imprisonment for a term exceeding fourteen years.

Punishment of person convicted, after a previous conviction, of an offence punishable with five years' imprisonment.

Chapter IV.

GENERAL EXCEPTIONS.

1. Nothing is an offence which is done by a person who is or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be bound by law to do it.

Act done by a person bound, or by mistake of fact believing himself bound by law.

Illustrations.

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due inquiry, believing Z to be Y, arrests Z. A has committed no offence.

Act of Judge when acting judicially.

2. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be given to him by law.

Act done by a person justified, or by mistake of fact believing himself justified by law.

3. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law, in good faith, believes himself to be justified by law in doing it.

Illustration.

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment, exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self defence.

Accident in the doing of a lawful act.

4. Nothing is an offence which is done by accident or misfortune and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration.

A is at a work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

Act likely to cause harm but done without a criminal intent and to prevent other harm.

5. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation.—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations.

(a) A, the Captain of a Steam Vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B with 20 or 30 passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only 2 passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in running the risk of running down C.

(b) A in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention and good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

Act done pursuant to the judgment or order of a Court of Justice.

6. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court of Justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act, in good faith, believes that the Court had such jurisdiction.

Act of a child under 7 years of age.

7. Nothing is an offence which is done by a child under seven years of age.

Act of a child above 7 and under 12 years of age who has not sufficient maturity of understanding.

8. Nothing is an offence which is done by child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

Act of a person of unsound mind.

9. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law.

Act of a person incapable of judgment by reason of intoxication caused against his will.

10. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

A particular intent when part of an offence, may be presumed when the offender is intoxicated, unless he has been made so against his will.

11. In cases where an act done is not an offence unless done with a particular knowledge or intent, the same presumption of knowledge or intent shall be made against a person doing the act in a state of intoxication, as would have been made if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Act not intended and not known to be likely to cause death or grievous hurt done by consent.

12. Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death, or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration.

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

Act not intended to cause death done by consent in good faith for the benefit of a person.

13. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration.

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

Act done in good faith for the benefit of a child or person of unsound mind by or by consent of guardian.

14. Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent of the guardian or other person having lawful charge of that person, is an offence by reason

of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person: Provided—

Provisoes.

First. That this exception shall not extend to the intentional causing of death, or to the attempting to cause death:

Secondly. That this exception shall not extend to the doing of any thing which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

Thirdly. That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity.

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(a) A, a parent, whips his child moderately, for the child's benefit. A is within the exception, and therefore has committed no offence.

(b) A, in good faith, for his daughter's benefit, intentionally kills her to prevent her from falling into the hands of Pindarries. A is not within the exception, and is therefore guilty of an offence.

(c) A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

Consent known to be given under fear or misconception.

15. A consent is not such a consent as is intended by Clauses 12, 13, and 14 of this Chapter, or any other Clause of this Code, if the consent is given by a person under fear of injury or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception—Or

Consent of a child or person of unsound mind.

If the consent is given by a person who is under seven years of age, or who, from immaturity of understanding, unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent.

Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in Clauses 12, 13, and 14.

16. The exceptions in Clauses 12, 13, and 14, of this Chapter, do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration.

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of harm which it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm;" and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

Act done in good faith for the benefit of a person without consent.

17. Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit. Provided—

Provisoes.

First. That this exception shall not extend to the intentional causing of death, or attempting to cause death.

Secondly. That this exception shall not extend to the doing of any thing which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

Thirdly. That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt.

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(a.) Z is thrown from his horse, and is insensible. A a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.—Mere pecuniary benefit is not benefit within the meaning of Clauses 13, 14, and 17.

Communication made in good faith.

18. No communication made in good faith is an offence by reason of any harm to the person to whom it is made.

Illustration.

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

Act to which a person is compelled by threats.

19. Excepting murder and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1.—A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, or a crew of pirates, or the like, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do any thing that is an offence by law.

Explanation 2.—A person who embarks ignorantly in a piratical vessel, being compelled by the crew, by threat of instant death, to join in an

act of piracy, is entitled to the benefit of the exception.

Explanation 3.—So also is a person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it.

Act causing slight harm.

20. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Of the Right of Private Defence.

Act done in private defence.

21. Nothing is an offence which is done in the exercise of the right of private defence.

Right of private defence.

22. Every person has a right, subject to the restrictions contained in Clause 24, to defend:

First. His own body, and the body of any other person, against an assault.

Secondly. The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief, or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass.

Right of private defence against the act of a person of unsound mind, &c.

23. When an act which would otherwise be a certain offence, is not that offence by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations.

(a) Z, under the influence of madness, attempts to kill A. Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were acting under no misconception.

Acts against which there is no right of private defence.

24. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Extent to which the right may be exercised.

The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority.

When the right of private defence of the body extends to causing death.

25. The right of private defence of the body extends, under the restrictions mentioned in the last preceding Clause, to the voluntary causing of death or of any other harm to the assailant, if the assault which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely.

First Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault.

Secondly. Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault.

Thirdly. An assault with the intention of committing rape.

Fourthly. An assault with the intention of gratifying unnatural lust.

Fifthly. An assault with the intention of kidnapping.

Sixthly. An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

When such right extends to causing any harm other than death.

26. If the assault be not of any of the descriptions enumerated in the last preceding Clause, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in Clause 24, to the voluntary causing to the assailant of any harm other than death.

Commencement and continuance of the right of private defence of the body.

27. The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body commences, though no assault may have been committed; and it continues as long as such apprehension of danger to the body continues.

When the right of private defence of property extends to causing death.

28. The right of private defence of property extends, under the restrictions mentioned in Clause 24, to the voluntary causing of death or of any other harm to the wrongdoer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely:

First. Robbery.

Secondly. House-breaking by night, or lurking house-trespass by night.

Thirdly. Mischief by fire committed on any building, tent, or vessel, which building, tent, or vessel is used as a human dwelling, or as a place for the custody of property.

Fourthly. Theft, mischief, or house trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

When such right extends to causing any harm other than death.

29. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding Clause, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in Clause 24, to the voluntary causing to the wrong-doer of any harm other than death.

Commencement and continuance of the right of private defence of property.

30. The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

The right of private defence of property against theft or robbery continues till either the assistance of the public authorities can be obtained, or the property has been recovered.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief, or as long as a reasonable ground of apprehension of danger to the property continues.

The right of private defence of property against house-breaking by night, or lurking house-trespass by night, continues as long as the house-trespass, which has been begun by such house-breaking or lurking house-trespass, continues.

Right of private defence against a deadly assault when there is risk of harm to an innocent person.

31. If, in exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration.

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

Chapter V.

OF PRINCIPALS AND ABETTORS.

Principal.

1. A person is a principal in an offence who, either singly or jointly with any other person, actually commits that offence, or who abets* the commission thereof, and is present when the act abetted is committed, and is capable of taking a part therein.

Illustrations.

(a) A and B waylay Z and murder him to death by beating him, each of them giving him several blows. A and B are principals in the murder, for they both join in actually committing it.

(b) A, being in the presence of B and Z, instigates B to murder Z. B, in consequence of such instigation, murders Z in A's presence. Here, as A is present when the murder is committed and abets by instigation that murder, A and B are principals in the murder.

(c) A and B conspire to murder Z. A, in pursuance of that conspiracy, stabs Z and thereby murders him in B's presence. Here, as B abets by conspiracy the murder committed in his presence, both B and A are principals.

(d) A and B agree to murder Z. A binds Z to a tree, and B then, in A's presence stabs him with a sword. Here A abets by aid the murder of Z, and as that murder is committed in his presence, both A and B are principals.

(e) A abets B to give false evidence in a Court of Justice. B, in consequence of A's instigation, gives false evidence. Here, notwithstanding A may be present in Court when the false evidence is given he is not a principal, but only an abettor, inasmuch as he was not capable of taking a part in B's act of giving evidence.

Explanation 1.—When the act is committed in consequence of the abetment, it is not necessary, in order to render the abettor liable, that the person committing the act should be capable by law of committing an offence, or that he should commit the act with the same guilty intention or knowledge as that of the abettor, or with any guilty knowledge or intention.

Illustrations.

(a) A, having such an intention as would render the killing of Z murder if A committed the act himself, instigates B, a madman, to commit that act. B, in consequence of such instigation, kills Z in A's presence. Here, A abets the offence of murder (see Clause 4); and as the act abetted was committed by B in his presence, A is a principal in the murder, though B was not guilty of any offence

(b) A, a prisoner confined in a cell in Jail, instigates B, a prisoner who is outside the cell, to murder Z, the Jailor. B commits the offence in consequence of the instigation. Here, if A was not capable of taking part in the act in consequence of his confinement, he is not a principal, but only an abettor.

Explanation 2.—Where there are several principals, in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration.

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide. B, having ill-will towards Z, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both principals in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

Principal by doing one of several acts constituting an offence.

2. When an offence is committed by means of several acts, whoever voluntarily co-operates in the commission of that offence by actually doing any one of those acts either singly or jointly with any other person, or by abetting such act and being present when it is done, and capable of taking a part therein, is a principal in the offence.

Illustrations.

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement. Z dies from the effects of the several doses of poison so administered to him. Here A and B voluntarily co-operate in the commission of murder, and as each of them does an act by which the death is caused, they are both principals, though their acts are separate.

(b) A and B are joint Jailors, and as such, have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food. Z dies of hunger. Both A and B are principals in the murder of Z.

(c) A, a Jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

Explanation 1.—A person is said to be present within the meaning of the Clauses 1 and 2 of this Chapter who is near enough to render assistance to the person who does the act.

Explanation 2.—When the causing of a particular effect is necessary to constitute an offence, a person may be a principal in the commission of the offence, although not present when the effect is caused.

Illustrations.

(a) A lays poison for the purpose of poisoning Z. Z takes the poison and dies in consequence in the absence of A. A is

* As to what amounts to abetment of an offence—See Clause 4 and Explanations.

a principal in the murder of Z, notwithstanding he was not present when the poison was taken, or the murder was consummated by Z's death.

(b) A instigates B to lay poison with the intention of poisoning Z, and is present when B lays it with that intent. Z, in the absence of A and B, takes the poison and dies in consequence. A and B are both principals in the murder of Z, though they were both absent when the effect was caused.

Abetment.

3. A person abets the doing of a thing, who,

First.—Instigates any person to do that thing, or

Secondly.—Engages in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing, or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person is said to instigate the doing of a thing who, by wilful misrepresentation or by wilful concealment of a material fact which he is bound to disclose, or otherwise, voluntarily causes or procures, or attempts to cause or procure, that thing to be done.

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, prior to or at the time of the commission of an act, does any thing in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abettor.

4. A person is said to abet an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the intention or knowledge of the abettor.

Explanation 1.—A person may be guilty of abetting an offence by abetting the illegal omission of an act, by a person legally bound to do the act, although he may not himself be legally bound to do that act.

Illustration.

A instigates B to take a horse out of Z's possession, knowing that the horse belongs to Z and intending that B shall steal the horse. Here A abets the offence of theft, for he with the intention and knowledge which is necessary to constitute the taking a theft, abets that taking.

Explanation 2.—A person may be guilty of abetting an offence, although the act abetted be not committed; or the effect necessary to constitute the offence be not caused. In such case he will be punishable under Clauses 12 and 13 of this Chapter.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustration.

A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence. If the act be committed, he is punishable under Clause 5 of this Chapter; if the act be not committed, he is punishable under Clause 12 or 13 of this Chapter.

Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment.

5. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence, although he may not be a principal.

Illustrations.

(a) A offers a bribe to B, a public servant. B accepts the bribe. A has abetted the offence defined under Clause 1 Chapter IX.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Explanation 1.—It is not necessary that the person committing the act should be capable by law of committing an offence, or that he should commit the act with the same intention or knowledge as that of the abettor, or that by committing the act he should be guilty of any offence.

Illustrations.

(a) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death. If, in such a case, B does the act in the presence of A, A is a principal.

(b) A, with the intention of causing Z's property to be taken, fraudulently instigates B, a child under seven years of age, to take that property in a way which, in a grown-up person, would be the offence of theft. B takes the property in consequence. B has committed no offence, but A is liable to the same punishment as if B had committed theft.

(c) A instigates B to set fire to a dwelling house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith believing it to be A's property. B, acting under this misconception, does not take fraudulently, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 2.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder, and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 3.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Explanation 4.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this Clause and is liable to the punishment for murder.

6. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

Punishment of abetment if the person abetted does the act with a different intention from that of the abettor.

7. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it; provided the act done was a natural and probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Liability of abettor when one act is abetted and a different act is done.

Proviso.

Illustrations.

(a) A instigates a child to put poison into the food of Z and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment A is liable to the punishment provided for murder.

8. If the act for which the abettor is liable under the last preceding Clause is committed in addition to the act abetted and constitutes a distinct offence, the abettor is liable to cumulative punishment.

Abettor when liable to cumulative punishment for act abetted and for act done.

Illustration.

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress and the offence of voluntarily causing grievous hurt, B is liable to cumulative punishment for these offences; and if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to cumulative punishment.

9. When an act is abetted with the intention on the part of the abettor of causing a particular effect, or with the knowledge that it is likely to cause that effect, and the act being done in consequence of the abetment, causes a different effect from that intended, or known by the abettor to be likely to be caused by the act abetted, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, or with the knowledge that it was likely to cause that effect, provided the effect caused was a natural and probable consequence of the act abetted.

Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.

Illustration.

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if death was the probable consequence of the grievous hurt abetted, A is liable to be punished with the punishment provided for murder.

10. If the effect for which the abettor is liable under the last preceding Clause is caused in addition to the effect which the abettor intended to cause, and the causing of such effects constitutes separate offences, the abettor is liable to cumulative punishment.

Abettor liable to cumulative punishment for the effect intended and for the effect caused if separate offences.

11. If any person in abetting an offence also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment when a person, in abetting an offence, commits another offence.

Illustration.

A, by putting B in fear of death, instigates B to commit mischief. Here A is liable both to the punishment provided for abetting B to commit mischief and to the punishment for criminally putting B in fear of death.

12. Whoever abets the commission of an offence punishable with death or transportation for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if any act be done in consequence of the abetment, which causes harm to any person, shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Abetment of an offence punishable with death or transportation for life if the offence be not committed in consequence of the abetment.

If an act which causes harm be done in consequence of the abetment.

Illustration.

A instigates B to murder Z. The offence is not committed. If B had murdered Z he would have been subject to the punishment of death or transportation for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any harm be done Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

13. Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment be punished with imprisonment of any description provided for that offence, for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence, or both; and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or both.

Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.

If the abettor or the person abetted, be a public servant whose duty it is to prevent the offence.

Illustrations.

(a) A offers a bribe to B, a public servant. B refuses to accept the bribe. A is punishable under this Clause.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this Clause, and is punishable accordingly.

(c) A, a Police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(d) B abets the commission of robbery by A, a Police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

14. Whoever abets the commission of an offence, by the public generally, or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Abetting the commission of an offence by the public or by more than 10 persons.

Illustration.

A affixes in a public place a placard, instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this Clause.

15. Whoever voluntarily conceals, by any act or illegal omission, the existence of a design to commit an offence punishable with death or transportation for life, or makes any representation which he knows to be false respecting such design, shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years; or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years: and in either case shall also be liable to fine.

Concealing a design to commit an offence punishable with death or transportation for life—

If the offence b committed.

If the offence be not committed.

Illustration.

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate. The dacoity is committed at B in pursuance of the design. A is punishable under this Clause.

16. Whoever, being a public servant, conceals, by any act or illegal omission, the existence of a design to commit any offence the commission of which it is his duty, as such public servant, to prevent, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or, if the offence be punishable with death or transportation for life, with imprisonment of either description for a term which may extend to ten years; or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

A public servant concealing a design to commit an offence which it is his duty to prevent—

If the offence be committed.

If the offence be punishable with death, &c.

If the offence be not committed.

Illustration.

A, an officer of Police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this Clause.

17. Whoever conceals, by any act or illegal omission, the existence of a design to commit an offence punishable with imprisonment, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth, and if the offence be not committed, to one-eighth of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Concealing a design to commit an offence punishable with imprisonment—

If the offence be committed.

If not committed.

Chapter VI.

OF OFFENCES AGAINST THE STATE.

1. Whoever, except as hereinafter excepted, wages war against the Queen or the Government of the East India Company, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or transportation for life, or imprisonment of either description for a term not exceeding fourteen years, and shall forfeit all his property.

Waging or attempting to wage war, or abetting the waging of war against the Government.

Exception. A Prince or Subject of a Foreign State by which war is lawfully waged against the Queen or the East India Company, or a subject of a Foreign Prince or State who abets that Prince or State in waging such war, is not within the meaning of this Clause.

Illustrations.

(a) A joins an insurrection against the Government of the East India Company. A has committed the offence defined in this Clause.

(b) A in India abets an insurrection against the Queen's Government of Ceylon by sending arms to the insurgents. A is guilty of abetting a war against the Queen.

(c) A joins an army of a foreign State which has invaded the territories of the East India Company, and serves in that army, not being a subject of that State, or of any other State at war with the Queen or the East India Company. A has committed the offence defined in this Clause.

(d) A instigates a native power to make war on the Government of the East India Company, not being a subject of that power. A has committed the offence defined in this Clause.

2. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Queen or the Government of the East India Company, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Concealing with intent to facilitate a design to wage war.

3. Whoever, with the intention of inducing or compelling the Governor General of India, or the Governor of any Presidency, or a Lieutenant Governor, or a Member of the Council of India, or of the Council of any Presidency, to exercise or refrain from exercising in any manner any of the lawful powers of such Governor General, Governor, Lieutenant Governor, or Member of Council, assaults or makes shew of assaulting, or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of an unlawful assembly, or attempts so to overawe, such Governor General, Governor, Lieutenant Governor, or Member of Council, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Assaulting Governor-General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.

4. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any other Clause of this Code, the punishment shall be cumulative.

Cumulative punishment.

5. Whoever attempts to excite, among any class of people who live under the Government established by law in any part of British India, such feelings of disaffection to that Government as are likely to induce them to resist or disobey the lawful authority of that Government, or to abet such resistance or disobedience, shall be punished with banishment from British India for life, or for any term, to which fine may be added; or with simple imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Attempt to excite disaffection to the established Government.

6. Whoever wages war against the Government of any Asiatic power in alliance or at peace with the East India Company, or attempts to wage such war, or abets the waging of such war, shall be punished with banishment from British India for life or for any term, to which fine may be added; or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

Waging war against any Asiatic power in alliance with the East India Company.

7. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the East India Company, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

Committing depredation on the territories of any power at peace with the East India Company.

8. Whoever receives any property, knowing the same to have been taken in the prosecution of such war or depredation as is mentioned in Clauses 6 and 7 of this Chapter, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so recovered.

Receiving property taken by war or depredation mentioned in Clauses 6 & 7.

9. Whoever, being a public servant and having the custody of any State Prisoner or Prisoner of War, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Public servant voluntarily allowing prisoner of state or war in his custody to escape.

10. Whoever, being a public servant and having the custody of any State Prisoner or Prisoner of War, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

Public servant negligently suffering prisoner of state or war in his custody to escape.

11. Whoever knowingly aids or assists any State Prisoner or Prisoner of War in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Aiding escape of, rescuing, or harbouring such prisoner.

Explanation. A State Prisoner or Prisoner of War, who is permitted to be at large on his parole within certain limits in British India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

Chapter VII.

OF OFFENCES RELATING TO THE ARMY AND NAVY.

1. Whoever abets the committing of mutiny by an officer, soldier, or sailor, in the Army or Navy of the Queen or of the East India Company, or attempts to seduce any such officer, soldier, or sailor from his allegiance to Her Majesty, or his duty to the East India Company, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetting mutiny or attempting to seduce a soldier or sailor from his duty.

2. Whoever abets the committing of mutiny by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall, if mutiny be committed in consequence of that abetment, be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Abetment of mutiny if mutiny is committed in consequence thereof.

3. Whoever abets an assault by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Abetment of an assault by a soldier or sailor on his superior officer when in the execution of his office.

4. Whoever abets an assault by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetment of such assault, if the assault is committed.

5. Whoever abets the desertion of any officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall be punished with imprisonment of either description for a term which may extend to two years, or fine, or both.

Abetment of the desertion of a soldier or sailor.

6. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, has deserted, harbours such officer, soldier, or sailor, shall be punished with imprisonment of either description for a term which may extend to two years, or fine, or both.

Harbouring a deserter.

Exception. This provision does not extend to the case in which the harbour is given by a wife to her husband.

7. The master or person in charge of a Merchant Vessel on Board of which any deserter from the Army or Navy of the Queen, or of the East India Company, is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred Rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Deserter concealed on board merchant vessel through negligence of Master.

8. Whoever abets what he knows to be an act of insubordination by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or fine, or both.

Abetment of act of insubordination by a soldier or sailor.

9. No person, subject to the Articles of War for the Army or Navy of the Queen, or of the East India Company, is subject to punishment under this Code for any of the offences defined in this Chapter.

Persons subject to Articles of War not punishable under this Code.

10. Whoever, not being a soldier in the Military or Naval service of the Queen, or of the East India Company, wears any garb or carries any token resembling any garb or token used by such a soldier, with the intention that it may be believed that he is such a soldier, shall be punished with imprisonment of either description for a term which may extend to three months, or fine which may extend to five hundred Rupees, or both.*

Wearing the dress of a soldier.

Chapter VIII.

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1. An assembly of five or more persons is designated as an "unlawful assembly," if the common object of the persons composing that assembly, is—

Unlawful assembly.

First. To overawe the Legislative or Executive Government of India, or the Government of any Presidency, or any Lieutenant Governor, or any Public Servant in the exercise of the lawful power of such Public Servant; or

Second. To resist the execution of any law, or of any legal process; or

Third. To commit any mischief or criminal trespass, or other offence; or

Fourth. By means of force or shew of force to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right: or

Fifth. By means of force or resistance, or shew of force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

2. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

Being a member of an unlawful assembly.

3. Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Punishment.

4. Whoever, being armed with any deadly weapon, or with any thing which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Joining an unlawful assembly armed with any deadly weapon.

5. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.

6. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

Force used by one member in prosecution of common object.

7. Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for rioting.

8. Whoever is guilty of rioting, being armed with a deadly weapon, or with any thing which used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Rioting, armed with a deadly weapon.

9. If any person, whilst a member of an unlawful assembly or committing the offence of rioting, commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment.

10. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Every member of an unlawful assembly to be deemed guilty of offence committed in prosecution of common object.

11. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.

Explanation. If the assembly is an unlawful assembly within the meaning of Clause 1 of this

* The offence of purchasing, &c., arms, ammunition, cloth, Military accoutrements, forage, &c., from a soldier, is punishable by the Mutiny Act.

Chapter, the offender will be punishable under Clause 5.

Assaulting or obstructing public servant when suppressing riot, &c.

12. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Wantonly giving provocation, with intent to cause riot.

If rioting be committed.

If not committed.

13. Whoever maliguantly or wantonly, by doing any thing which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Owner or occupier of land to give information of riot.

14. Whenever an unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held or such riot is committed, shall be punishable with fine not exceeding one thousand rupees, if he or his agents or servants, knowing of such assembly or riot, or having reason to believe that it is about to take place, do not give to the Principal Officer of the nearest Police station the earliest notice in his or their power of such assembly or riot, or of its being about to take place, and do not use all lawful means in his or their power to prevent such riot or assembly from taking place, or for dispersing or suppressing it.

Punishment of persons on whose behalf a riot takes place.

15. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of the land upon which such riot takes place, or who claims any interest in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, unless he satisfy the Court that neither he nor his agents or servants had reason to believe either that the riot was likely to be committed or that the unlawful assembly by which it was committed was likely to be held, or that he or his servants or agents gave to the principal Officer of the nearest Police station the earliest notice in his or their power of such riot or unlawful assembly, or of its being about to take place, and used all lawful means in his or their power to prevent such unlawful assembly or riot and for dispersing or suppressing it.

Hiring persons to take part in an unlawful assembly.

Or to go armed.

16. Whoever hires or engages, or offers or attempts to hire or engage, any person to do or assist in doing any of the acts specified in Clause I of this Chapter shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever hires or engages, or offers or attempts to hire, any person to go armed with any deadly weapon, or with any thing which used as a weapon of offence is likely to cause death, for the purpose of doing or assisting in doing any such act, or knowing it to be likely that the person so hired or any person assisting him will go so armed or use such weapon in doing or assisting in doing such act, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Being hired to take part in an unlawful assembly or riot.

Or to go armed.

17. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in Clause 1 of this Chapter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with any thing which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

Affray.

18. When two or more persons, by quarrelling or fighting or otherwise conducting themselves in a tumultuous manner in a public place, disturb the public peace, they are said to "commit an affray."

Punishment for committing affray.

19. Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Chapter IX.

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

Public servant taking a gratification other than legal remuneration, in respect of an official act.

1.* Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever other than legal remuneration, as a motive or a reward for doing or forbearing to do any official act, or for shewing or forbearing to shew, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency or with any Lieutenant Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Explanations. "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this Clause.

* For the definition of the words "public servant" see Clause 17 Chapter II.

For the offence of "offering a bribe" see Chapter V Clauses 15 and 13.

"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government which he serves to accept.

"A motive or a reward for doing" A person may receive a gratification as a motive for doing what he does not intend to do; or as a reward for doing what he has not done.

Illustrations.

(a) A, a Moonsiff, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favor of Z. A has committed the offence defined in this Clause.

(b) A, holding the office of Resident at the court of a subsidiary power, accepts a lac of rupees from the minister of that power. It does not appear that A accepted this sum as a motive or a reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that power with the British Government. But it does appear that A accepted the sum as a motive or a reward for generally shewing favor in the exercise of his official functions to that power. A has committed the offence defined in this Clause.

(c) A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a title for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this Clause.

Taking a gratification in order by corrupt or illegal means to influence a public servant.

2. Whoever accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or a reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favor or disfavor to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Taking a gratification for the exercise of personal influence with a public servant.

3. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or a reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favor or disfavor to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Illustration.

An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to shew that the condemnation was unjust; are not within this Clause, inasmuch as they do not exercise or profess to exercise personal influence.

Punishment for abetment by public servant of the offences above defined.

4. Whoever, being a public servant in respect of whom either of the offences defined in the last two preceding Clauses is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Illustration.

A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or fine, or both. A is punishable with imprisonment for a term which may extend to three years, or fine, or both.

Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.

5. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned or interested in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with his official functions, or from any person whom he knows to be interested in or related to such person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Illustrations.

(a) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty Rupees a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred Rupees a month. A has obtained a valuable thing from Z without adequate consideration.

(b) A, a Judge, buys of Z, who has a cause pending in A's Court, Government Promissory Notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.

(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, when they are selling in the market at a discount. Z pays A for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

Public servant disobeying a direction of the law with intent to cause injury to any person.

6. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause or knowing it to be likely that he will by such disobedience cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Illustration.

(a) A, being an officer directed by law to take property in execution in order to satisfy a decree pronounced in Z's favor by a Court of Justice, knowingly disobeys that direction of law with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this clause.

Public servant framing an incorrect document with intent to cause injury.

7. Whoever being a public servant and being, as such public servant, charged with the preparation of any document, frames that document in a manner which he knows to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Public servant unlawfully engaging in trade.

8. Whoever, being a public servant, and being legally bound, as such public servant, not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

9. Whoever, being a public servant, and being legally bound, as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both; and the property, if purchased, shall be confiscated.

Public servant unlawfully buying or bidding for property.

10. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under the color of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Personating a public servant.

11. If any person in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, except the offences of cheating by personation or attempting to cheat by personation, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

12. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or both.

Wearing garb or carrying token used by public servant with fraudulent intent.

13. If any person, in doing any thing whereby he commits an offence under any Clause in this Chapter, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under this Chapter.

Illustration.

A, public servant, threatens to assess Z's land unjustly high unless Z will give him money, and thus obtains money from Z. Here A has committed the offence defined in Clause 1 of this Chapter, inasmuch as he has obtained from Z a gratification as a motive for forbearing to shew disfavor to Z in the exercise of A's official functions. A has also committed extortion, inasmuch as he has obtained property from Z by putting Z in fear of injury. Therefore A is liable to the punishment of extortion added to that provided by Clause 1 of this Chapter.

Chapter X.

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1. Whoever absconds in order to avoid being served with a summons, notice, or order proceeding from any public servant, legally competent as such public servant, to issue such summons, notice, or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons or notice is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Absconding to avoid service of summons, or other proceeding from a public servant.

2. Whoever in any manner intentionally prevents the serving on himself, or on any other, of any summons, notice, or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice, or order, or intentionally prevents the lawful affixing to any place of any such summons, notice, or order, or intentionally removes any such summons, notice, or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant, legally competent, as such public servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons, notice, or proclamation, is to attend in person or by agent, or to produce a document in a Court of Justice, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Preventing service of summons or other proceeding, or preventing publication thereof.

3. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

4. Whoever, being legally bound to attend in person or by an agent at a certain place and time, in obedience to an order proceeding from any public servant, legally competent, as such public servant, to issue such order, intentionally omits to attend at that place, or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the order is to attend in person or by agent in a Court of Justice, with imprisonment for a term which may extend to one year, or with fine, or with both.

Non-attendance in obedience to an order from a public servant.

Illustrations.

(*a*) A, being legally bound to appear before the Supreme Court at Calcutta in obedience to a subpœna issuing from that Court, intentionally omits to appear. A has committed the offence defined in this Clause.

(*b*) A, being legally bound to appear before a Zillah Judge, as a witness, in obedience to a summons issued by that Zillah Judge, intentionally omits to appear. A has committed the offence defined in this clause.

5. Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the document is to be produced or delivered up to a Court of Justice, with imprisonment for a term which may extend to one year, or with fine, or with both.

Omission to produce a document to a public servant by a person legally bound to produce such document.

Illustration.

A, being legally bound to produce a document before a Zillah Court, intentionally omits to produce the same. A has committed the offence defined in this Clause.

Omission to give notice or information to a public servant by a person legally bound to give notice or information.

6. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice, or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Furnishing false information.

7. Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on that subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations

(*a*) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the District that such death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in the latter part of this Clause.

(*b*) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a Dacoity in the House of Z, a wealthy merchant residing in a neighbouring place, and being bound under Clause 5 Section VII Regulation III of 1926 of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest Police Station, wilfully misinforms the Police Officer that a body of suspicious characters passed through the beat of his watch with a view to commit Dacoity in a certain distant village and in a different direction. Here A is guilty of the offence defined in the latter part of this Clause.

Refusing oath when duly required to take oath by a public servant.

8. Whoever refuses to bind himself by an oath to state the truth, when required so to bind himself by a public servant, legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Refusing to answer a public servant authorized to question.

9. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant, in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Refusing to sign statement.

10. Whoever refuses to sign any statement made by him when required to sign that statement by a public servant, legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand Rupees, or with both.

False statement on oath to public servant or person authorized to administer an oath.

11. Whoever, being legally bound by an oath to state the truth on any subject to any public servant or other person authorized by law to administer such oath, states to such public servant or other person as aforesaid, touching that subject, as true that which he knows or believes to be false, or does not know or in good faith believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Illustration.

A before a Magistrate swears to the truth of an affidavit knowing it to be false. A is guilty of an offence under this Clause notwithstanding the affidavit is intended to be used before another authority.

False information with intent to cause a public servant to use his lawful power to the injury of another person.

12. Whoever gives to any public servant, any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant to use the lawful power of such public servant, to the injury or annoyance of any person, or to do or omit any thing which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Illustrations.

(*a*) A informs a Magistrate that Z, a Police Officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this Clause.

(*b*) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false and knowing that it is likely that the consequence of the information will be a search of Z's premises attended with annoyance to Z. A has committed the offence defined in this Clause.

Resistance to the taking of property by the lawful authority of a public servant.

13. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Cumulative punishment in certain cases for offences under the last Clause.

14. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Obstructing sale of property offered for sale by authority of a public servant.

15. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

16. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

17. Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property, not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both

Illegal purchase or bid for property offered for sale by authority of a public servant.

18. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Obstructing public servant in discharge of his public functions.

19. If any person by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

20. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

Omission to assist public servant when bound by law to give assistance.

21. Whoever, being present, wilfully neglects to render such assistance as is in his power to a public servant who demands his aid in the execution of any process lawfully issued by a Court of Justice, or in preventing the commission of an offence, or in suppressing a riot or affray, or in the apprehension of a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

Neglect to aid a public servant who demands aid in the execution of process, the prevention of offences, &c

22. Whoever, being required by a public servant to furnish or render assistance for any of the purposes mentioned in the last preceding Clause, wilfully omits to furnish or render such reasonable assistance as may be in his power, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

Wilful omission to aid such public servant.

23. No person shall be liable to prosecution in any Civil or Criminal Court, for any act done by himself or by any other person in obedience to a requisition under either of the last two preceding Clauses.

Saving of liability in respect of act done in obedience to requisition of such public servant.

24. Whoever, knowing that by an order promulgated by a public servant, lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction or annoyance, or injury, or risk of obstruction, or annoyance, or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Disobedience to an order duly promulgated by a public servant.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce harm.

Illustration.

An order is promulgated by a public servant, lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this Clause.

25. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

26. Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Threat of injury to a public servant.

27. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant, legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Threat of injury to induce any person to refrain from applying for protection to a public servant.

Chapter XI.

OF OFFENCES AGAINST PUBLIC JUSTICE.

1. Whoever in any stage of a judicial proceeding, being bound by an oath or by any express provision of law to state the truth, or being

Giving false evidence.

bound by law to make a declaration upon any subject, states for truth that which he knows or believes to be false, or which he does not know or in good faith believe to be true, is said to give false evidence.

Explanation 1. A statement is within the meaning of this Clause, whether it is made verbally or otherwise.

Explanation 2. A false statement as to the belief of the person attesting, is within the meaning of this Clause, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Explanation 3. A person is said to state that which he does not in good faith believe to be true, who, at the time of making the statement, has had no means of forming a belief upon the subject.

Explanation 4. An Interpreter or Translator bound by oath or by any express provision of law to interpret or translate truly any statement or document, is guilty of giving false evidence, if he gives a false interpretation or translation of any words which it is material that he should interpret or translate truly.

Illustrations.

(*a*) A, in support of a just claim which B has against Z for one thousand Rupees falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(*b*) A states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(*c*) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z, A in good faith believing it to be so. Here A's statement is merely as to his belief and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(*d*) A states that he knows that Z was at a particular place on a particular day, not knowing any thing upon the subject. A gives false evidence whether Z was at that place on the day named, or not.

Fabricating false evidence.

2. Whoever causes any circumstance to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before a private arbitrator, and that such circumstance, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence."

Illustrations.

(*a*) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(*b*) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the Officers of the Police are likely to search. A has fabricated false evidence.

(*c*) A makes a false entry in his shop book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

Punishment for false evidence.

3. Whoever intentionally gives false evidence in any stage of a judicial proceeding, touching any point material to the result of that proceeding, or gives or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1. A trial before a Court Martial is a judicial proceeding.

Explanation 2. An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Explanation 3. An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Giving or fabricating false evidence with intent to procure conviction of a capital offence.

4. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this Code, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

If innocent person be thereby convicted and executed.

Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment.

5. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code is not capital, but punishable with transportation for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration.

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, with or without fine. A, therefore, is liable to such transportation or imprisonment, with or without fine.

Using in a judicial proceeding evidence known to be false.

6. Whoever in any stage of a judicial proceeding uses or attempts to use as true or genuine evidence, any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Uttering or signing a false certificate.

7. Whoever utters or signs, or causes or attempts to cause to be uttered or signed, any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as a true certificate one known to be false in a material point.

8. Whoever uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

9. Whoever, in any declaration made and subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, states as true what he knows or believes to be false, or what he does not know or in good faith believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

False statement made in any declaration which is by law receivable as evidence.

10. Whoever uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as true any such declaration known to be false.

Explanation. A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of clauses 9 and 10.

11. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or both.

Causing disappearance of evidence of an offence committed or giving false information touching it to screen the offended.

If a capital offence.

If punishable with transportation.

If punishable with less than fourteen years' imprisonment.

Illustration.

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

12. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or both.

Intentional omission to give information of an offence, by a person bound to inform.

13. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Giving false information respecting an offence committed.

14. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant as such, with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Destruction of document to prevent its production as evidence.

15. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

False personation for the purpose of any act or proceeding in a suit.

16. Whoever fraudulently removes, conceals, transfers, or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice, or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a Civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree.

17. Whoever fraudulently accepts, receives, or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice, or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a Civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree.

18. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for a larger sum than remains due thereon, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Fraudulently suffering a decree for a sum not due.

Illustration

A institutes a suit against Z. Z knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to

pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this Clause.

Fraudulently obtaining a decree for a sum not due.

19. Whoever fraudulently obtains a decree or order against any person for a sum not due or for a larger sum than is due, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for a larger sum than remains due thereon, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

False charge of offence made with intent to injure.

20. Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall, after the final determination of such proceeding or charge in that person's favor, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if any criminal proceeding be instituted on a false charge of an offence punishable with death, transportation for life, or imprisonment for seven years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Harbouring an offender.

21. Whoever, knowing or having reason to believe that an offence has been committed, harbours or conceals a person whom he knows or believes to be the offender, with the intention of screening him from legal punishment, shall, if the

If a capital offence.

offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable

If punishable with transportation for life, &c., or with imprisonment.

to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year and not to fourteen years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception. This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

Illustration.

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here as B is liable to transportation for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

Taking gift, &c. to screen an offender from punishment.

22. Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the

If a capital offence.

offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punish-

If punishable with transportation for life or with imprisonment.

able with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offence is punishable with imprisonment not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Gift made to cause restoration of property in consideration of screening offender.

23. Whoever gives or causes, or offers or agrees to give or cause any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence or of his screening any person from legal punishment for any offence or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punish-

If a capital offence.

able with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to

If punishable with transportation for life or with imprisonment.

fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception. The provisions of Clauses 22 and 23 do not extend to any case in which the offence consists only of an act irrespective of the intention of the offender, and for which act the person injured may bring a civil action.

Illustrations.

(*a*) A assaults B with intent to commit murder. Here, as the offence does not consist of the assault only, irrespective of the intention to commit murder, it does not fall within the exception, and cannot therefore be compounded.

(*b*) A assaults B. Here, as the offence consists simply of the act, irrespective of the intention of the offender, and as B may have a civil action for the assault, it is within the exception and may be compounded.

(*c*) commits the offence of bigamy. Here as the offence is not the subject of a civil action, it cannot be compounded.

(*d*) B commits the offence of adultery with a married woman. The offence may be compounded.

Harbouring an offender who has escaped from custody, or whose apprehension has been ordered.

24. Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an

offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say, if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or if the offence is punishable with transportation for life, or imprisonment for fourteen years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to fourteen years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

If a capital offence.

If punishable with transportation for life or with imprisonment.

Exception. This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

No person shall be liable under this Clause to a greater amount of punishment than that to which the person escaping or who ought to have been apprehended, was liable under the conviction, or than that provided by this Code for such an offence as that charged.

Limit of punishment.

25. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture.

26. Whoever, being a public servant and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save or knowing that he is likely thereby to save any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture.

27. Whoever, being a public servant, makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Public servant in a judicial proceeding making an order, report, &c., which he knows to be contrary to law.

28. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, commits any person for trial or to confinement, or keeps any person in confinement in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.

29. Whoever, being a public servant, legally bound as such public servant, to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, voluntarily omits to apprehend such person, or voluntarily suffers such person to escape, or voluntarily aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:

Voluntary omission to apprehend on the part of a public servant bound by law to apprehend.

Punishment.

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with death; or

With imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with transportation for life, or imprisonment for a term which may extend to fourteen years; or

With imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for an offence punishable with imprisonment for a term less than fourteen years.

No person shall be liable under this Clause to a greater amount of punishment than the punishment provided for the offence with which the person in confinement, or who ought to have been apprehended, was charged or liable to be apprehended.

Limit of punishment.

30. Whoever, being a public servant, legally bound as such public servant, to apprehend or to keep in confinement any person under sentence of a Court of Justice for any offence, voluntarily omits to apprehend such person, or voluntarily suffers such person to escape, or voluntarily aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:

Voluntary omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice.

Punishment.

With transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death: or

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who

ought to have been apprehended, is subject by a sentence of a Court of Justice, or by virtue of a commutation of such sentence, to transportation for life or penal servitude for life, or to transportation or penal servitude or imprisonment for a term of fourteen years or upwards : or

With imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended, is subject by a sentence of a Court of Justice to imprisonment for a term not extending to fourteen years.

Limit of punishment.

No person shall be liable under this Clause to a greater amount of punishment than that to which the person in confinement or who ought to have been apprehended, was liable at the time of the commission of the offence defined by this Clause.

Escape from confinement negligently suffered by a public servant.

31. Whoever, being a public servant, legally bound as such public servant, to keep in confinement any person charged with or convicted of any offence, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Limit of punishment.

No person shall be liable under this Clause to a greater amount of punishment than that to which the person in confinement was liable at the time of the committing of the offence defined by this Clause, or by which the offence charged was punishable.

Resistance or obstruction by a person to his lawful apprehension.

32. Whoever offers any resistance or illegal obstruction to the lawful apprehension of himself for an offence, or escapes or attempts to escape from any custody in which he is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. The punishment in this Clause is in addition to the punishment for which the person to be apprehended or detained in custody, was liable for the offence with which he was charged, or for which he was detained.

Cumulative punishment.

33. If any person, in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Resistance or obstruction to the lawful apprehension of another person.

34. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both ;

Punishment.

Or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with, or liable to be apprehended for an offence punishable with transportation for life, or imprisonment for a term which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with, or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to transportation for life, or to transportation, penal servitude, or imprisonment, for a term of fourteen years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with transportation for life, or imprisonment for a term not exceeding fourteen years, and shall also be liable to fine.

Cumulative punishment.

35. If any person, in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Unlawful return from transportation.

36. Whoever, having been lawfully transported, returns from such transportation, the term of such transportation not having expired, and his punishment not having been remitted, shall be punished with transportation for life, and shall also be liable to fine, and to be imprisoned with rigorous imprisonment for a term not exceeding three years before he is so transported.

Unlawful return from banishment

37. Whoever, having been lawfully banished, returns from such banishment, his term of banishment not having expired, and his punishment not having been remitted, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ; and in the case of his being sentenced to imprisonment, shall also be liable to banishment for life at the expiration of his imprisonment.

Violation of condition of remission of punishment.

38 Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.

39. Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

40. If any person in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment.

41. Whoever, by personation or otherwise, shall intentionally cause or knowingly suffer himself to be returned, empanelled, or sworn as a juryman or assessor in any case in which he is not entitled by law to be so returned, empanelled, or sworn, or by any means contrary to law, or, knowing himself to have been so empanelled, returned, or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Personation of a juror or assessor.

Chapter VII.

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

1. Coin is metal used as money stamped and issued by the authority of some Government in order to be so used.

Coin.

Coin stamped and issued by the authority of the Queen, is designated as the Queen's coin.

Queen's coin.

Illustrations.

(*a*) Cowries are not coin.

(*b*) Lumps of unstamped copper, though used as money, are not coin.

(*c*) An ancient Denarius is not now coin, inasmuch as such pieces are not now used as money.

(*d*) Medals are not coin, inasmuch as they are not intended to be used as money.

(*e*) Bank tokens issued by a private Bank are not coin, inasmuch as they are not put forth by the authority of any Government.

2. Coin stamped and issued by the authority of the Government of India, or of the Government of any Presidency, is designated as the Company's coin.

Company's coin.

3. Whoever counterfeits, or performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting coin.

Explanation. A person may commit this offence by causing a genuine coin to appear like a different coin.

4. Whoever counterfeits, or performs any part of the process of counterfeiting, the Queen's or the Company's coin, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting the Queen's or the Company's coin.

5. Whoever makes, mends, or performs any part of the process of making or mending, or buys, sells, or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or selling instrument for counterfeiting coin.

6. Whoever makes, mends, or performs any part of the process of making or mending, or buys, sells, or disposes of, any die or instrument, for the purpose of being used, or having reason to believe that it is intended to be used, for the purpose of making or counterfeiting the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for counterfeiting Queen's or Company's coin.

7. Whoever is in possession of any instrument or material, for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the coin to be counterfeited is the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of instrument or material for the purpose of using the same for counterfeiting coin

8. Whoever being within British India abets the counterfeiting, out of British India, of the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetting in India the counterfeiting out of India of Queen's or Company's coin.

9. Whoever imports into British India, or exports therefrom, any counterfeit coin, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Import or export of counterfeit coin.

10. Whoever imports into British India, or exports therefrom, any counterfeit coin which he knows to be a counterfeit of the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Import or export of counterfeits of the Queen's or Company's Coin.

11. Whoever, having any counterfeit coin, which at the time when he became possessed of it he knew to be counterfeit, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery to another of coin possessed with the knowledge that it is counterfeit.

12. Whoever, having any counterfeit coin which is a counterfeit of the Queen's or the Company's coin, and which, at the time when he became possessed of it, he knew to be a counterfeit of the Queen's or the Company's coin, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Delivery of Queen's or Company's Coin possessed with the knowledge that it is counterfeit.

13. Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin, which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Delivery to another of coin as genuine which when first possessed the deliverer did not know to be counterfeit.

Illustration.

A, a coiner, delivers counterfeit Company's Rupees to his accomplice B, for the purpose of uttering them. B sells the Rupees to C, another utterer, who buys them, knowing them to be counterfeit. C pays away the Rupees for goods to D, who receives them not knowing them to be counterfeit. D, after receiving the Rupees, discovers that they are counterfeit, and pays them away as if they were good. Here D is punishable only under this Clause, but B and C are punishable under Clause 11 or 12, as the case may be.

14. Whoever is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

15. Whoever is in possession of counterfeit coin which is a counterfeit of the Queen's or the Company's coin, having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of Queen's or Company's coin by a person who knew it to be counterfeit when he became possessed thereof.

16. Whoever, being employed in any mint lawfully established in British India, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Person employed in a mint causing coin to be of a different weight or composition from that fixed by law.

17. Whoever without lawful authority takes out of any mint, lawfully established in British India, any instrument appearing on the face of it to be intended for the purpose of making coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Unlawfully taking from a mint any coining instrument.

18. Whoever fraudulently performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently diminishing the weight or altering the composition of any coin.

Explanation. A person who scoops out part of the coin, and puts any thing else into the cavity, changes the composition of that coin.

19. Whoever fraudulently performs on any of the Queen's or the Company's coin, any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulently diminishing the weight or altering the composition of the Queen's or the Company's coin.

20. Whoever performs on any coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Altering appearance of any coin with intent that it shall pass as a coin of a different description.

21. Whoever performs on any of the Queen's or the Company's coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Altering appearance of the Queen's or the Company's coin with intent that it shall pass as a coin of a different description.

22. Whoever, having coin in his possession with respect to which the offence defined in Clause 18 or 20 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, delivers such coin to any other, or attempts to induce any other to receive the same, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if he delivers such coin to any other person as genuine, or as a coin of a different description, or attempts to induce any other person to receive the same as a genuine coin, or as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery to another of coin possessed with the knowledge that it is altered.

23. Whoever, having coin in his possession with respect to which the offence defined in Clause 19 or 21 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, delivers such coin to any other, or attempts to induce any other to receive the same, with the intention that such coin may be passed as if no such offence had been committed with respect to it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if he delivers such coin to any other person as genuine, or as a coin of a different description, or attempts to induce any other person to receive it as genuine or as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Delivery of Queen's or Company's coin possessed with the knowledge that it is altered.

24. Whoever is in possession of coin with respect to which the offence defined in either of the Clauses 18 or 20 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of altered coin by a person who knew it to be altered when he became possessed thereof.

25. Whoever is in possession of coin with respect to which the offence defined in either of the Clauses 19 or 21 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Possession of Queen's or Company's coin by a person who knew it to be altered when he became possessed thereof.

26. Whoever delivers to any other person as genuine, or as a coin of a different description to what it is, or attempts to induce any person to receive as genuine, or as a different coin to what it is, any coin in respect of which he knows any such operation as that mentioned in Clause 18, 19, 20, or 21 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed, or attempted to be passed.

Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.

27. Whoever counterfeits, or performs any part of the process of counterfeiting, any Government stamp or any stamp from which the Government derives a revenue, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting a Government stamp.

28. Whoever has in his possession any instrument or material, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.

29. Whoever makes or performs any part of the process of making, or buys, or sells, or disposes of, any instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for the purpose of counterfeiting a Government stamp.

30. Whoever sells, or offers for sale, any stamp which he knows to be a counterfeit of any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp.

31. Whoever has in his possession any stamp which he knows to be a counterfeit of any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a counterfeit Government stamp.

32. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Using as genuine a Government stamp known to be counterfeit.

33. Whoever, intending to cause wrongful loss to the Government, removes or effaces from any substance bearing a Government stamp, or any stamp from which the Government derives a revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with a fine, or with both.

Effacing any writing from a substance bearing a Government Stamp or removing from a document a stamp used for it, with intent to cause wrongful loss to Government.

34. Whoever, intending to cause wrongful loss to the Government, uses for any purpose a stamp which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.

Using a Government stamp known to have been before used.

35. Whoever, intending to cause wrongful loss to Government, erases or removes from a stamp any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession, or sells or disposes of, any stamp from which such mark has been erased or removed, or sells or disposes of any stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with a fine, or with both.

Erasure of mark denoting that stamp has been used.

Chapter XIII.

OF OFFENCES RELATING TO WEIGHTS AND MEASURES.

1. It is unlawful to use dishonestly any false instrument for weighing, or any false weight or measure.

False weight or measure.

2. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Fraudulent use of false instrument for weighing.

3. Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Fraudulent use of false weight or measure.

4. Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, and which he intends to use fraudulently,

Being in possession of false weights or measures.

shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Making or selling false weights or measures.

5. Whoever makes, sells, or disposes of, any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Chapter XIV.

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS

Public nuisance.

1. A person is guilty of a public nuisance, who does any act or is guilty of an illegal omission which causes any common injury, danger or reasonable annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some other convenience or advantage.

Negligent act likely to spread infection of any disease dangerous to life.

2. Whoever negligently does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Malignant act likely to spread infection of any disease dangerous to life.

3. Whoever malignantly does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Disobedience to a quarantine rule.

4. Whoever knowingly disobeys any rule made and promulgated by the Government of India, or by the Local Government, for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels, or for regulating the intercourse between places where an infectious disease prevails, and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Adulteration of food or drink for man, which is intended for sale.

5. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink for man, intending to sell such article, or knowing it to be likely that the same will be sold as food or drink for man, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Sale of noxious food or drink.

6. Whoever sells, or offers or exposes for sale, as food or drink for man, any article which has been rendered or has become noxious, or is in a state unfit for food or drink for man, knowing or having reason to believe that the same is noxious as food or drink for man, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Adulteration of drugs.

7. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used, or knowing it to be likely that it will be sold or used, for any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Sale of adulterated drugs.

8. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Sale of any drug as a different drug or preparation.

9. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Defiling the water of a public spring or reservoir.

10. Whoever voluntarily corrupts or defiles the water of any public spring or reservoir, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Making atmosphere noxious to health.

11. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of any person dwelling or carrying on business in the neighbourhood, or passing along a public way, shall be punished with fine which may extend to five hundred Rupees.

Rash driving or riding on a public way.

12. Whoever drives any vehicle, or rides, on any public way, in a manner so rash or negligent as to indicate a want of due regard for human life, or in such a manner as is likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Rash navigation of a vessel.

13. Whoever navigates any vessel in a manner so rash or negligent as to indicate a want of due regard for human life, or in such a manner as is likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to

six months, or with fine which may extend to one thousand Rupees, or with both.

Conveying person by water for hire in a vessel overloaded or unsafe.

14. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Danger or obstruction in a public way or navigation.

15. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction, or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred Rupees.

Negligent conduct with respect to any poisonous substance.

16. Whoever knowingly or negligently does with any poisonous substance, any act which indicates a want of due regard for human life, or omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any fire or combustible matter.

17. Whoever knowingly or negligently does, with fire or any combustible matter, any act which indicates a want of due regard for human life, or omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any explosive substance.

18. Whoever knowingly or negligently does, with any explosive substance, any act which indicates a want of due regard for human life, or omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any machinery in the possession or under the charge of the offender.

19. Whoever knowingly or negligently does, with any machinery, any act which indicates a want of due regard for human life, or omits to take such order with any machinery in his possession or under his care, as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligence with respect to pulling down or repairing buildings.

20. Whoever, having such a right over any building as entitles him to pull down or repair that building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligence with respect to any animal.

21. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Punishment for public nuisance.

22. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred Rupees.

Continuance of nuisance after injunction to discontinue.

23. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Sale, &c., of obscene books.

24. Whoever imports, prints, publishes, sells or distributes, or wilfully exhibits to public view, any obscene book, pamphlet, ballad, paper, drawing, painting, representation, or figure, or attempts or offers so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception. This Clause does not extend to any representation sculptured, engraved, painted, or otherwise represented, on or in any Temple or on any car used for the conveyance of idols.

Having in possession obscene book for sale or exhibition.

25. Whoever has in his possession any such obscene book or other thing as is mentioned in the last preceding Clause for the purpose of sale, distribution, or public exhibition, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Obscene songs.

26. Whoever sings, recites, or utters any obscene song, ballad, or words to the annoyance of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Chapter XV.

OF OFFENCES RELATING TO RELIGION.

Injuring or defiling a place of worship, with intent to insult the religion of any class.

1. Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

2. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Disturbing a religious assembly.

3. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, commits any trespass on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Trespassing on burial places, &c.

4. If any person by doing any thing whereby he commits an offence under either of the last three preceding Clauses, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishments for offence under the preceding Clauses committed together with another offence.

5 Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Uttering words, &c. with deliberate intent to wound the religious feelings of any person.

Chapter VII.

OF OFFENCES AFFECTING THE HUMAN BODY.

OF OFFENCES AFFECTING LIFE.

1. WHOEVER causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Culpable homicide.

Illustrations.

(*a*) A lays sticks and turf over a pit, with the intention of thereby causing death or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in, and is killed. A has committed the offence of culpable homicide

(*b*) A, with the intention or knowledge aforesaid, relates agitating tidings to Z, who is in a critical stage of a dangerous illness. Z dies in consequence A has committed the offence of culpable homicide.

(*c*) A with the intention or knowledge aforesaid, threatens to cause the instant death of Z, unless Z jumps out of a window. Z jumps out of the window in consequence of the threat and thereby kills himself. A has committed the offence of culpable homicide.

(*d*) A is hired to guide Z through a jungle. In the midst of the jungle, A, no circumstance having occurred to release him from his legal obligation to guide Z through the jungle, leaves Z in the jungle with the knowledge that Z is likely to be lost in the jungle and starved to death in consequence Z is lost in the jungle and starved to death in consequence. A has committed the offence of culpable homicide.

(*e*) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

Explanation 1. A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2. Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3. The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child if any part of that child has been brought forth, though the child may not have breathed or been completely born.

2. Except in the cases hereinafter excepted, culpable homicide is murder if the act by which the death is caused is done with the intention of causing death, or—

Murder.

2ndly. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

3rdly. If it is done with the intention of causing bodily injury to any person and the bodily harm intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

4thly. If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid and under circumstances which indicate a depraved mind regardless of human life.

Illustrations.

(*a*) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder

(*b*) A, knowing that Z is labouring under such a disease that a blow on a particular part of his body is likely to cause his death, strikes him on that particular part of his body with intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder if he did not intend to cause death.

(*c*) A gives Z sword-cuts and club-wounds sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here if A intended to cause that degree of bodily injury to Z which he inflicted, A is guilty of murder, although it may not be proved that A intended to cause Z's death.

(*d*) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them, A is guilty of murder although he may not have had a premeditated design to kill any particular individual.

Exception 1. Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by the excitement of fear or anger caused by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident in doing an act caused by such fear or anger.

When culpable homicide is not murder.

The above exception is subject to the following provisoes.

First. That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly. That the provocation is not given by any thing done in obedience to the law or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly. That the provocation is not given by any thing done in the lawful exercise of the right of private defence.

Explanation. Whether the provocation was grave enough or the passion of fear or anger sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations.

(*a*) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(*b*) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending or knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder but merely culpable homicide.

(*c*) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and voluntarily kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in obedience to the law.

(*d*) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition and that A has perjured himself. A is moved to sudden passion by these words and kills Z. This is murder.

(*e*) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(*f*) Z strikes B. B is by this provocation excited to violent rage. A, a by-stander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2. Culpable homicide is not murder if the offender in the exercise of the right of private defence of person or property exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3. Culpable homicide is not murder if the offender, being a public servant, acting for the advancement of public justice, exceeds the powers given to him by law and causes death by doing an act which he in good faith believes to be necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4. Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation. It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5. Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Explanation 1. A consent is not within the meaning of this exception if it is given by a person under fear of injury, or under a misconception of fact, and if the offender knows or has reason to believe that the consent is given in consequence of such fear or misconception.

Explanation 2. Culpable homicide committed by a person who voluntarily puts himself to death is within this exception.

Illustrations.

(*a*) A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

(*b*) A, by intentionally deceiving Z, who is laboring under a painful disease, and inducing him to believe that his disease is incurable, when A knows that it is not so, voluntarily causes Z to commit suicide. Here, on account of the deception practised by A, the offence cannot be culpable homicide by consent. A has therefore abetted murder.

(*c*) A by instigation voluntarily causes Z, a person above eighteen years of age, to put himself to death. A has abetted culpable homicide, but not murder.

Culpable homicide by causing the death of a person other than the person whose death was intended.

3. If a person, by doing any thing which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Punishment for murder.

4. Whoever commits murder shall be punished with death, or transportation for life, and shall also be liable to fine.

Punishment for murder by a life convict.

5. Whoever being under sentence of transportation for life is a principal in murder by actually committing that offence, shall be punished with death.

Punishment for culpable homicide not amounting to murder.

6. Whoever commits culpable homicide not amounting to murder, shall be punished with transportation for life or imprisonment of either description for a term which may extend to fourteen years and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with fine, or both, if the act is done with the knowledge that it is likely to cause death but without any intention to cause death or to cause such bodily injury as is likely to cause death.

Abetment of suicide of child or insane person.

7. If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide shall be punished with death or transportation for life or imprisonment for a term not exceeding fourteen years, and shall also be liable to fine.

Abetment of suicide.

8. If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Attempt to murder.

9. Whoever attempts to commit murder and does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and must not be less than seven years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to transportation for life or to such punishment as is hereinbefore mentioned.

Illustrations.

(*a*) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this Clause.

(*b*) A intending to murder Z by means of a spring gun, purchases such a gun; A has not yet committed the offence defined in this Clause. A sets the gun loaded in Z's path, and leaves it there. A has committed the offence defined in this Clause.

(*c*) A intending to murder Z by poison purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence in this Clause. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this Clause.

Attempt to commit culpable homicide.

10. Whoever attempts to commit culpable homicide and does any act with such intention or knowledge and under such circumstances that if he by that act or omission caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both; and if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

Illustrations.

(*a*) A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this Clause.

(*b*) A pursues a thief and fires at him under such circumstances that if he killed the thief he would commit culpable homicide in defence. A has committed the offence defined in this Clause.

Attempt to commit suicide.

11. Whoever attempts to commit suicide and does any act towards the commission of such offence shall be punished with simple imprisonment for a term which may extend to two years, and shall also be liable to fine.

Thug.

12. Whoever is habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a Thug.

Punishment.

13. Whoever is a Thug shall be punished with transportation for life, and shall also be liable to fine.

OF THE CAUSING OF MISCARRIAGE, OF INJURIES TO UNBORN CHILDREN, OF THE EXPOSURE OF INFANTS, AND OF THE CONCEALMENT OF BIRTHS.

Causing miscarriage.

14. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both; and if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. A woman may be guilty of this offence by causing herself to miscarry.

Causing miscarriage without woman's consent.

15. Whoever commits the offence defined in the last preceding Clause without the consent of the woman, whether the woman is quick with child or not, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Consent given through fear of injury.

A consent is not within the meaning of this Clause if it is given by a person under fear of injury or under a misconception of fact, and if the person committing the offence knows or has reason to believe that the consent was given in consequence of such fear or misconception.

Death caused by an act done with intent to cause miscarriage.

16. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and

If act done without woman's consent.

if the act is done without the consent of the woman, shall be punished either with transportation for life or with the punishment above-mentioned.

Explanation. It is not essential to this offence that the offender should know that the act is likely to cause death.

Act done with intent to prevent a child being born alive or to cause it to die after birth.

17. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or both.

Causing death of a quick unborn child by an act amounting to culpable homicide.

18. Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustration.

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this Clause.

Exposure and abandonment of a child under 5 years by parent or person having care of it.

19. Whoever being the father or mother of a child under the age of five years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

Explanation. This Clause is not intended to prevent the trial of the offender for murder or culpable homicide as the case mae be, if the child die in consequence of the exposure.

Concealment of birth by secret disposal of dead body.

20. Whoever by secretly burying or otherwise disposing of the dead body of a child, whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

OF HURT.

Hurt.

21. Whoever causes bodily pain, disease, or infirmity, is said to cause hurt.

Grievous hurt.

22. The following kinds of hurt only are designated as "grievous."

First. Emasculation.

Secondly Permanent privation of the sight of either eye.

Thirdly. Permanent privation of the hearing of either ear.

Fourthly. Privation of any member or joint.

Fifthly. Destruction or permanent impairing of the powers of any member, or joint.

Sixthly. Permanent disfiguration of the head or face.

Seventhly. Fracture or dislocation of a bone or tooth.

Eighthly. Any hurt which endangers life or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt.

23. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said 'voluntarily to cause hurt."

Voluntarily causing grievous hurt.

24. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation. A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt, and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

Punishment for voluntarily causing hurt.

25. Whoever, except in the case mentioned in Clause 36, voluntarily causes hurt shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Voluntarily causing hurt by dangerous weapons or means.

26. Whoever voluntarily causes hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument, which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Punishment for voluntarily causing grievous hurt.

27. Whoever voluntarily causes grievous hurt shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing grievous hurt by dangerous weapons or means.

28. Whoever voluntarily causes grievous hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing grievous hurt in committing dacoity or robbery.

29. Whoever voluntarily causes grievous hurt in committing or attempting to commit dacoity or robbery, or in avoiding or attempting to avoid apprehension for such offence or attempt, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to fourteen years, and which must not be less than seven years, and shall also be liable to fine.

Voluntarily causing hurt to extort property or to constrain to an illegal act.

30. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do any thing which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.

31. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security, or constraining the sufferer or any person interested in such sufferer to do any thing that is illegal or which may facilitate the commission of an offence, shall be punished with transportation for life or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing hurt to extort confession or to compel restoration of property.

32. Whoever voluntarily causes hurt, or threatens to cause hurt, for the purpose of extorting from the sufferer or any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations.

(*a*) A, a police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this Clause.

(*b*) A, a police officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this Clause.

(c) A, a Revenue officer, tortures Z in order to compel him to pay certain arrears of Revenue due from Z. A is guilty of an offence under this Clause.

(d) A, a zemindar, tortures a ryot in order to compel him to pay his rent. A is guilty of an offence under this clause.

Voluntarily causing grievous hurt to extort confession or to compel restoration of property.

33. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing hurt to deter public servant from his duty.

34. Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of any thing done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Voluntarily causing grievous hurt to deter public servant from his duty.

35. Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of any thing done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing hurt on provocation.

36. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Causing grievous hurt on provocation.

37. Whoever causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to two thousand Rupees, or with both.

Causing grievous hurt by an act which indicates a want of due regard for the safety of others.

38. Whoever causes grievous hurt to any person by any act which is so rash or negligent as to indicate a want of due regard for the safety of others, shall be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand Rupees, or with both.

Causing hurt by an act which indicates a want of due regard for human life.

39. Whoever causes hurt to any person by any act so rash or negligent as to indicate a want of due regard for human life, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five hundred Rupees, or with both.

Punishment for act which indicates a want of due regard for life or personal safety of others.

40. Whoever does any act so rash or negligent as to indicate a want of due regard for human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to two hundred and fifty Rupees, or with both.

OF WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT.

Wrongful restraint.

41. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception. The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this Clause.

Illustrations.

(a) A builds a wall across a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(b) A illegally omits to take proper order with a furious buffalo which is in his possession, and thus voluntarily deters Z from passing a road along which Z has a right to pass. A wrongfully restrains Z.

(c) A threatens to set a savage dog at Z, if Z goes along a path along which Z has a right to go. Z is thus prevented from going along that path. A wrongfully restrains Z.

Wrongful confinement.

42. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) In the last illustration, if there is in some nook of the walled space a door which is not secured, but which may easily escape observation, if A voluntarily cause it to appear to Z to be impossible to proceed beyond the line of wall, A has wrongfully confined Z.

(c) A places men with fire arms at the outlets of a building and tells Z that they will fire at Z, if Z attempts to leave the building. A wrongfully confines Z.

Punishment for wrongful restraint.

43. Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Punishment for wrongful confinement.

44. Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Wrongful confinement for three or more days.

45. Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

46. Whoever wrongfully confines any person for ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, either with or without the addition of a term not exceeding three days for every day of such wrongful confinement, and shall also be liable to fine.

Wrongful confinement for ten or more days.

47. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to three years in addition to any term of imprisonment to which he may be liable under any other Clause of this Chapter.

Wrongful confinement of person for whose liberation a writ has been issued.

48. Whoever unlawfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

Unlawful confinement in secret.

49. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined or any person interested in such person to do any thing illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting property or constraining to an illegal act.

50. Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting confession or of compelling restoration of property.

51. Whoever, while keeping any person in wrongful confinement, knowing a certain thing to be necessary to prevent the person confined from being in danger of death, or hurt, voluntarily omits to furnish that thing to the person confined, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Wrongful confinement and omission to furnish to person confined a certain thing necessary to prevent death or hurt.

Illustration.

Z's eyes are in such a state as to require constant medical care. A wrongfully confines Z, and knowing that without medical attendance Z is likely to lose his eye-sight, omits to procure such medical attendance. A has committed the offence defined in this Clause. It Z loses his eye-sight A has by an illegal omission voluntarily caused Z to lose his eye-sight, and has thus become liable to the punishment of having voluntarily caused grievous hurt to Z.

OF CRIMINAL FORCE AND ASSAULT

52. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with any thing which that other is wearing or carrying or with anything so situated that such contact affects that other's sense of feeling: provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described.

Force.

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly. By inducing any animal to move, to change its motion, or to cease to move.

53. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Criminal force

Illustrations.

(*a*) Z is sitting in a moored boat on a river A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force may cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(*b*) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing animals to change their motion. A has therefore used force to Z, and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(*c*) Z is riding in a palanquin. A, intending to rob Z, seizes the pole, and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(*d*) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z: he has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(*e*) A throws a stone intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water, and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten, or annoy Z, he has used criminal force to Z.

(*f*) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(*g*) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated

his such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(*b*) A incites a dog to spring upon Z without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

Assault.

54. Whoever makes any gesture, or any preparation, intending or knowing it to be likely that by such gesture or preparation he may cause any person present to apprehend that he who makes that gesture or preparation is about to use force to that other and thereby to affect that other's sense of feeling by bringing any substance into contact with any part of that other's body or any thing which that other is wearing, carrying, or using, is said to commit an assault.

Explanation. Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparations such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(*a*) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(*b*) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(*c*) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

Punishment for using criminal force otherwise than on grave provocation.

55. Whoever uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Using criminal force to deter a public servant from discharge of his duty.

56. Whoever uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of any thing done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Using criminal force in attempt to murder.

57. Whoever, in attempting to commit murder, uses criminal force to any person, shall be punished with transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Assault or use of criminal force to a woman with intent to outrage her modesty.

58. Whoever assaults or uses criminal force to any woman, intending or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Assault or criminal force with intent to dishonor a person, otherwise than on grave provocation.

59. Whoever assaults or uses criminal force to any person, intending thereby to dishonor that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Assault or criminal force in attempt to commit theft of property carried by a person.

60. Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Assault or criminal force in attempt wrongfully to confine person.

61. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Using criminal force on grave provocation.

62. Whoever uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

Punishment for assault in cases not specially provided for, when the assault is not on grave provocation.

63. Whoever, in any case not specially provided for, assaults any person except on grave and sudden provocation given by the person upon whom the assault is committed, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

OF KIDNAPPING, FORCIBLE ABDUCTION, SLAVERY, AND FORCED LABOR.

Kidnapping.

64. Kidnapping is of two kinds: kidnapping from British India, and kidnapping from lawful guardianship.

Kidnapping from British India.

65. Whoever conveys or entices beyond the limits of British India, or takes or entices on board of any vessel with the intention of conveying or causing to be conveyed beyond such limits, any person without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from British India.

Kidnapping from lawful guardianship.

66. Whoever takes or entices any minor under fourteen years of age, out of the keeping of the lawful guardian of such minor without the consent of such guardian, is said to kidnap that minor from lawful guardianship.

Exception. This Clause does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

Abduction.

67. Whoever by the use of criminal force, compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Punishment for kidnapping.

68. Whoever kidnaps any person from British India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

69. Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with transportation for life or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Kidnapping or abducting in order to murder.

Illustrations.

(*a*) A kidnaps Z from British India, intending or knowing it to be likely that Z may be sacrificed to an Idol. A has committed the offence defined in this Clause.

(*b*) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this Clause.

70. Whoever abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abduction with intent secretly and wrongfully to confine a person.

71. Whoever abducts or kidnaps any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be defiled or forced or seduced to illicit intercourse, or knowing it to be likely that she will be defiled, or forced, or seduced, or enticed to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Abducting or kidnapping a woman to compel her marriage or to cause her defilement.

72. Whoever kidnaps any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Kidnapping in order to subject a person to grievous hurt, slavery, &c.

73. Whoever, knowing that any person has been kidnapped or abducted for an unlawful purpose, conceals such person, or keeps such person in confinement, shall be punished in the same manner as if the offender had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with, or for which he conceals or detains such person in confinement.

Concealing or keeping in confinement a kidnapped person.

74. Whoever imports, exports, removes, buys, sells, or disposes of, as a slave, or accepts, receives, or detains as a slave any person, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Buying or disposing of any person as a slave.

75. Whoever habitually imports exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding seven years, and shall also be liable to fine.

Habitual dealing in slaves.

76. Whoever unlawfully compels any person to labor against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, and shall also be liable to fine.

Unlawful compulsory labor.

If, in committing an offence under this Clause, the offender is guilty of any other offence, the punishment shall be cumulative.

Cumulative punishment.

OF RAPE.

77. A man is said to commit "rape," who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:

Rape.

First. Against her will;

Secondly. Without her consent, while she is insensible;

Thirdly. With her consent when her consent has been obtained by putting her in fear of death, or of hurt.

Fourthly. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man, to whom she is or believes herself to be lawfully married;

Fifthly. With or without her consent, when she is under nine years of age.

Explanation. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception. Sexual intercourse by a man with his own wife, the wife not being under nine years of age, is not rape.

78. Whoever commits rape shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment for rape.

OF UNNATURAL OFFENCES.

79. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Unnatural offences.

Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this Clause.

Chapter XVII.

OF OFFENCES AGAINST PROPERTY.

OF THEFT.

1. Whoever, intending to take fraudulently any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Theft.

Explanation 1. A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2. A thing, which is attached to the earth, becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 3. A moving, effected by the same act which effects the severance, may be a theft.

Explanation 4. A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 5. A person, who by any means causes an animal to move, is said to move that ani-

mal, and to move every thing which, in consequence of the motion so caused, is moved by that animal.

Explanation 6. The consent mentioned in the definition may be express, or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(*a*) A cuts down a tree on Z's ground, with the intention of fraudulently taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.

(*b*) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be fraudulently to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(*c*) A drives Z's sheep before him, with the intention of fraudulently taking them out of Z's possession, without Z's consent. As soon as any sheep begins to move in the direction in which A intended that it should move, A has committed theft.

(*d*) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may fraudulently take the treasure. As soon as the bullock begins to move, A has committed theft on the treasure.

(*e*) A being Z's servant and intrusted by Z with the care of Z's plate, fraudulently runs away with the plate, without Z's consent. Here, the plate, till carried off by A, was still in Z's possession, though it was also in A's possession. A has therefore committed theft.

(*f*) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a gold smith and sells it. Here, the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(*g*) A finds a ring belonging to Z on a table in the house which Z occupies. Here, the ring is in Z's possession, and if A fraudulently removes it, A commits theft.

(*h*) A finds a ring lying on the high-road, not in the possession of any person. A by taking it commits no theft, though he may commit criminal misappropriation of property.

(*i*) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place, and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(*j*) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass, and assault, has not committed theft, inasmuch as what he did was not done fraudulently.

(*k*) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of keeping Z out of the money due to him, he commits theft, inasmuch as he takes it fraudulently.

(*l*) Again if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed on the watch he commits theft though the watch is his own property, inasmuch as he takes it fraudulently.

(*m*) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here, A takes fraudulently; A has therefore committed theft.

(*n*) A, being exasperated at a passage in a book which is lying on the counter of Z, a bookseller, snatches it up, and tears it to pieces. A has not committed theft, as he has not acted fraudulently, though he may have committed criminal trespass and mischief.

(*o*) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(*p*) A asks charity from Z's wife. She gives A money, food, and clothes which A knows to belong to Z her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(*q*) A is the paramour of Z's wife. She gives A valuable property which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property, he commits theft.

(*r*) A in good faith believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take fraudulently, he does not commit theft.

2. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Punishment for theft.

3. Whoever being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or both.

Theft by clerk or servant of property in possession of master.

4. Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint to any person, in order to the committing of such theft or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Theft after preparation made for causing death or hurt in order to the committing of the theft.

Illustrations.

(*a*) A commits theft on property in Z's possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting or terrifying Z in case Z should resist. A has committed the offence defined in this Clause.

(*b*) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this Clause.

OF EXTORTION.

5. Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby fraudulently induces the person so put in fear to deliver to any person any property or valuable security or any thing signed or sealed which may be converted into a valuable security, commits "extortion."

Extortion.

Illustrations.

(*a*) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(*b*) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(*c*) A threatens to send cattle-mischief to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B. Z signs and delivers the bond. A has committed extortion.

(*d*) A by putting Z in fear of grievous hurt fraudulently induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

6. Whoever commits extortion, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Punishment for extortion.

7. Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Putting person in fear of injury in order to commit extortion.

8. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to

Extortion by putting person in fear of death or grievous hurt.

fourteen years and shall not be less than five, and shall also be liable to fine

Putting person in fear of death or of grievous hurt in order to commit extortion.

9. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years and shall not be less than three, and shall also be liable to fine.

Extortion by threat of accusation of an offence punishable with death or transportation, &c.

10. Whoever commits extortion by putting any person in fear of an accusation, against that person or any other, of having committed or attempted to commit any offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years and shall not be less than five, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Putting person in fear of accusation of offence in order to commit extortion.

11. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed or attempted to commit an offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years and shall not be less than three, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

OF ROBBERY AND DACOITY.

Robbery.

12. In all robbery there is either theft or extortion.

When theft is robbery.

Theft is "robbery", if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint or fear of instant death or of instant hurt, or of instant wrongful restraint.

When extortion is robbery.

Extortion is "robbery", if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person, or to some other person present at the time of committing the extortion, and, by so putting in fear, induces the person so put in fear then and there to deliver up any property.

Illustrations.

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here, A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z surrenders his purse. Here, A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z, and Z's child, on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(d) A obtains property from Z by saying—"your child is in the hands of my gang, and will be put to death unless you send us ten thousand Rupees." This is extortion, and punishable as such; but it is not robbery.

Dacoity.

13. When five or more persons, conjointly, commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting, or aiding, is said to commit "Dacoity."

Punishment for robbery.

14. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Attempt to commit robbery.

15. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing hurt in committing robbery.

16. If any person, in committing or in attempting to commit robbery voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment dacoity.

17. Whoever commits dacoity shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years, and shall also be liable to fine.

Dacoity with murder.

18. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Robbery or dacoity with attempt to cause death or grievous hurt.

19. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Attempt to commit robbery or dacoity when armed with deadly weapon.

20. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than five years.

Making preparation to commit dacoity.

21. Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment for belonging to a gang of dacoits.

22. Whoever belongs to a gang of persons associated for the purpose of habitually committing dacoities, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years, and shall also be liable to fine.

23. Whoever belongs to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Punishment for belonging to a wandering gang of thieves.

24. Whoever is one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Assembling for purpose of committing dacoity.

25. Whoever fraudulently misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulent misappropriation of property.

Illustrations.

(*a*) A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, fraudulently appropriates the property to his own use, he is guilty of an offence under this Clause.

(*b*) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this Clause.

(*c*) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not fraudulently misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this Clause.

Explanation 1. A fraudulent misappropriation for a time only is a misappropriation within the meaning of this Clause.

Illustration.

A finds a Government paper belonging to Z, bearing a blank endorsement. A, knowing that the paper belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this Clause.

Explanation 2. A person who finds property not in the possession of any other person and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it fraudulently, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it: it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustrations.

(*a*) A finds a Rupee on the high road, not knowing to whom the Rupee belongs. A picks up the Rupee. Here A has not committed the offence defined in this Clause.

(*b*) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this Clause.

(*c*) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favor the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this Clause.

(*d*) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this Clause.

(*e*) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this Clause.

(*f*) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this Clause.

26. Whoever fraudulently misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent misappropriation of property possessed by a deceased person at the time of his death.

Illustration.

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, fraudulently misappropriates it. A has committed the offence defined in this Clause.

OF CRIMINAL BREACH OF TRUST.

27. Whoever, being in any manner entrusted with property or with any dominion over property, fraudulently converts or appropriates that property to his own use, or knowingly and dishonestly uses or disposes of that property, in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

Criminal breach of trust.

Illustrations.

(*a*) A, being executor to the will of a deceased person, fraudulently disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(*b*) A is a warehouse keeper. Z going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A fraudulently sells the goods. A has committed criminal breach of trust.

(*c*) A, residing in Calcutta, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits a lac of Rupees to A, with directions to A to invest the same in Company's paper. A fraudulently disobeys the directions, and employs the money in his own business. A has committed criminal breach of trust.

(*d*) But if A, in the last illustration, not fraudulently, but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a Civil action against A on account of that loss, yet A, not having acted fraudulently, has not committed criminal breach of trust.

(*e*) A, a revenue officer, is entrusted with public money, and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A fraudulently appropriates the money. A has committed criminal breach of trust.

28. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for criminal breach of trust.

29. Whoever, being a clerk or servant or employed as a clerk or servant and being in any manner entrusted in such capacity with property or with any dominion over pro-

Criminal breach of trust by a clerk or servant.

perty, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Criminal breach of trust by public servant, or by banker, merchant, or agent.

30. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business as a banker, merchant, broker, attorney, or agent, commits criminal breach of trust in respect of that property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

OF THE RECEIVING OF STOLEN PROPERTY.

Stolen property.

31. Property the possession whereof has been transferred by theft, or by extortion, or by robbery, or by fraudulent misappropriation of property, or by criminal breach of trust, is designated as "stolen property." But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Fraudulently receiving stolen property.

32. Whoever fraudulently receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Fraudulently receiving property stolen in the commission of a dacoity.

33. Whoever fraudulently receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or fraudulently receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Habitually dealing in stolen property.

34. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Assisting in concealment of stolen property.

35. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

OF CHEATING.

Cheating.

36. Whoever, by deceiving any person, fraudulently induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or to make, alter, or destroy the whole or any part of any document or any thing which is signed or sealed and which may be converted into a document, or by any false pretence unlawfully and intentionally induces the person deceived to do or omit to do anything which that person would not do or omit if he were not so deceived and which causes or is likely to cause damage or injury to that person, is said to "cheat."

Explanation. A person may deceive by a fraudulent concealment of facts.

Illustrations

(*a*) A, by falsely pretending to be a Civil Servant of the East India Company, intentionally deceives Z, and thus fraudulently induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(*b*) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus fraudulently induces Z to buy and pay for the article. A cheats.

(*c*) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby fraudulently induces Z to buy and pay for the article. A cheats.

(*d*) A, by tendering in payment for an article a bill on a house with which A keeps no money and by which A expects that the bill will be dishonored, intentionally deceives Z, and thereby fraudulently induces Z to deliver the article, intending not to pay for it. A cheats.

(*e*) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby fraudulently induces Z to lend money. A cheats.

(*f*) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby fraudulently induces Z to lend him money, A not intending to repay it. A cheats.

(*g*) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby fraudulently induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(*h*) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z which he has not performed, and thereby fraudulently induces Z to pay money. A cheats.

(*i*) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

Cheating by personation.

37. A person is said to "cheat by personation," if he cheats by pretending to be some other person.

Illustrations.

(*a*) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(*b*) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

Punishment for cheating.

38. Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.

39. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates he was bound, either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for cheating by personation.

40. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

41. Whoever cheats and thereby fraudulently induces the person deceived to deliver any property to any person, or to make, alter, or destroy the whole or any part of a valuable security or any thing which is signed or sealed and which may be converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Cheating and fraudulently inducing a delivery of property.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY.

42. Whoever fraudulently removes, conceals, or delivers to any person, or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent removal or concealment of property to prevent distribution among creditors.

43. Whoever fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.

44. Whoever, by any contrivance or misrepresentation, fraudulently prevents any debt or demand due from himself to any person, from being made available according to law for the payment of the debts of such person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently preventing from being made available for creditors a debt due from the offender.

45. Whoever fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge, any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent execution of deed of transfer containing a false statement of consideration.

46. Whoever fraudulently conceals or removes any property of himself or any other person, or fraudulently assists in the concealment or removal thereof, or fraudulently releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent removal or concealment of property.

47. Whoever fraudulently claims any property or any interest therein, knowing that in good faith he has no right to the property or interest claimed, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.

OF MISCHIEF.

48. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction loss of any property, or any injury to any property, or any such change in any property, or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits "mischief."

Mischief.

Explanation 1. It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2. Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations.

(*a*) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.

(*b*) A introduces water into an ice house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(*c*) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(*d*) , knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing wrongful loss to Z. A has committed mischief.

(*e*) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing wrongful loss to the underwriters. A has committed mischief.

(*f*) A causes a ship to be cast away, intending thereby to cause wrongful loss to Z who has lent money on bottomry on the ship. A has committed mischief.

(*g*) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(*h*) A causes cattle to enter upon a field belonging to Z, intending to cause, and knowing that he is likely to cause, damage to Z's crop. A has committed mischief.

49. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Punishment for committing mischief.

50. Whoever commits mischief and thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Committing mischief and thereby causing damage to the amount of 50 Rupees.

51. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any animal or animals of the value of ten Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by killing or maiming any animal of the value of 10 Rupees.

52. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by killing or maiming cattle, &c. or any animal of the value of 50 Rupees.

53. Whoever commits mischief by destroying or injuring any river or well or any natural or artificial channel or reservoir of water or any work for the purpose of irrigation, or by wrongfully drawing off or diverting water from such river, well, channel, reservoir, or work, intending thereby to cause a diminution of the supply of water for agricultural purposes, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to works of irrigation or by wrongfully diverting water

54. Whoever commits mischief by destroying or injuring any public road, bridge, navigable river, or navigable channel, natural or artificial, and thereby renders such road, bridge, river, or channel impassable or less safe for travelling or conveying property thereby, shall be punished with imprisonment of either description for a term which may extend to five years or with fine, or with both.

Mischief by injury to public road, bridge, or river.

55. Whoever commits mischief, and thereby causes an inundation or obstruction to any public drainage attended with injury or damage to the amount of one hundred Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or both.

Mischief by causing inundation or obstruction to public drainage attended with damage to amount of 100 Rupees.

56. Whoever commits mischief by destroying or moving any light-house or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light-house, sea-mark, buoy, or other such thing as aforesaid less useful as a guide for navigators, or exhibits any false light-house, sea-mark, or buoy, intending or knowing it to be likely that such false exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.

57. Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Mischief by destroying or moving, &c., a land-mark fixed by public authority.

58. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to cause damage to amount of 100 Rupees.

59. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a human dwelling or as a place for the custody of property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy a house, &c.

60. Whoever commits mischief on any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.

61. Whoever commits or attempts to commit such mischief as is described in the last preceding Clause, by fire or any explosive substance, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment for the mischief described in the last Clause when committed by fire or any explosive substance.

62. Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, while committing or attempting to commit such mischief, or while escaping or endeavoring to escape after committing it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Mischief committed after preparation made for causing death or hurt.

OF CRIMINAL TRESPASS.

63. Whoever enters into or upon property in the possession of another with intent to commit an offence, or to intimidate, insult, or annoy any person in possession of such property; or having lawfully entered into or upon such property, unlawfully remains there with such intent—is said to commit "criminal trespass."

Criminal trespass.

64. Whoever commits criminal trespass by entering into or remaining in any building, tent, or vessel, used as a human dwelling, or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass."

House-trespass.

Explanation 1. The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

Explanation 2. A person who enters, not as a house-trespasser, may remain as a house-trespasser.

65. Whoever commits house-trespass, taking precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent, or vessel which is the subject of the trespass, is said to commit "lurking house-trespass."

Lurking house-trespass.

Explanation. A person who enters, not as a lurking house-trespasser, may remain as a lurking house-trespasser.

Lurking house-trespass by night.

66. Whoever commits lurking house-trespass after sun-set and before sun-rise, is said to commit "lurking house-trespass by night."

Explanation. A person who enters, not by night, may remain as a lurking house-trespasser by night.

House-breaking.

67. A person is said to commit "house-breaking," who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:—

First. If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

Secondly. If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly. If he enters through any passage which he or any abettor of the house-trespass has opened in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly. If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly. If he effects his entrance or departure by using criminal force or committing an assault, or by making shew of assault, or by threatening any person with assault.

Sixthly. If he enters or quits by any passage which he knows to have been fastened against such entrance or departure and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation. Any out-house or building occupied with a house, and between which and such house there is an immediate communication, is part of the house within the meaning of this Clause.

Illustrations.

(*a*) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(*b*) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(*c*) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(*d*) A commits house-trespass by entering Z's house through the door, having opened the door with a false key. This is house-breaking.

(*e*) A commits house-trespass by entering Z's house through the door, having lifted the latch by putting a wire through a hole in the door. This is house-breaking.

(*f*) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(*g*) Z is standing in his door-way. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(*h*) Z, the porter of Y, is standing in Y's door-way. A commits house-trespass by entering the house, having deterred Z from opposing him by shaking a stick at Z. This is house-breaking.

House-breaking by night.

68. Whoever commits house-breaking after sun-set and before sun-rise, is said to commit "house-breaking by night."

Punishment for criminal trespass.

69. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Punishment for house-trespass.

70. Whoever commits house-trespass, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Cumulative punishment when house-trespass is committed with another offence.

71. If any person commits house-trespass in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

House-trespass accompanied by an act done towards the commission of an offence punishable with death.

72. Whoever commits house-trespass in order to the committing of any offence punishable with death, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with transportation for life, or with rigorous imprisonment for a term not exceeding fourteen years and which must not be less than seven years, and shall also be liable to fine.

House-trespass accompanied by an act done towards the commission of an offence punishable with transportation for life.

73. Whoever commits house-trespass in order to the committing of any offence punishable with transportation for life, and does any act towards the commission of such offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term not exceeding fourteen years and which must not be less than five years, and shall also be liable to fine.

House-trespass accompanied by an act done towards the commission of an offence punishable with imprisonment.

74. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of such offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to one year, to which may be added a term not exceeding one-third of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed the house-trespass, and shall also be liable to fine.

House-trespass after preparation made for causing hurt to any person.

75. Whoever commits house-trespass having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint in order to the committing of such house-trespass, or during the continuance of such house trespass, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

76. Whoever commits lurking house-trespass, or house-breaking, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking.

77. If any person commits lurking house-trespass, or house-breaking, in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

Cumulative punishment when lurking house-trespass is committed with another offence.

78. Whoever commits lurking house-trespass, or house-breaking, in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to two years, to which may be added a term which may extend to one-half of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he commited such lurking house-trespass or house-breaking, and shall also be liable to fine.

Lurking house-trespass or house-breaking accompanied by an act done towards the commission of an offence punishable with imprisonment.

79. Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, in order to the committing of such lurking house-trespass, or house-breaking, or during the continuance of the house-trespass which has been begun by such lurking house-trespass, or house-breaking, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.

80. Whoever commits lurking house-trespass by night, or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking by night.

81. If any person commits lurking house-trespass by night, or house-breaking by night in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

Cumulative punishment when lurking house-trespass or house-breaking by night is committed with another offence.

82. Whoever commits lurking house-trespass by night, or house-breaking by night, in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to three years, added to a term which may extend to two-thirds of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed such lurking house-trespass by night, or house-breaking by night.

Lurking house-trespass or house-breaking by night accompanied by an act done towards the commission of an offence punishable with imprisonment.

83. Whoever commits lurking house-trespass by night, or house-breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, in order to the committing of such house-trespass, or during the continuance of the house-trespass which has been begun by such lurking house-trespass by night, or house-breaking by night, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Lurking house-trespass or house-breaking by night after preparation made for causing hurt to any person.

84. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and which must not be less than seven years, and shall also be liable to fine.

Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

85. Whoever fraudulently, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulently breaking open any closed receptable containing or supposed to contain property.

86. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, fraudulently, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for same offence when committed by person entrusted with custody.

87. Whoever commits the offence defined in Clause 85 or 86, and also commits any offence in regard to any property contained in the receptacle, shall be liable to cumulative punishment.

umulative punishment.

Chapter XVIII.

OF OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

1. Whoever makes any false document or part of a document with intent to cause damage or injury to the public, or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, commits forgery.

Forgery.

2. A person is said to make a false document,

Making a false document.

First.—Who makes, signs, seals, or executes a document or part of a document or makes any mark denoting the execution of a document with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed by, or by the authority of a person by whom or by whose authority he

knows that it was not made, or at a time at which he knows that it was not made ; or

Secondly.—Who, without lawful authority, by cancellation or otherwise, alters a document in any material part thereof after it has been executed either by himself or by any other person whether such person be living or dead at the time ; or

Thirdly. Who, voluntarily causes any person to sign, seal, execute, or alter a document knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or the nature of the alteration.

Illustrations.

(*a*) A has a letter of credit upon B for Rupees 10.000 written by Z. A in order to defraud B adds a cypher to the 10,000 and makes the sum 100,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(*b*) A without Z's authority affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A with the intention of selling the estate to B and thereby of obtaining from B the purchase money. A has committed forgery.

(*c*) A picks up a cheque on a Banker signed by B payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand Rupees. A commits forgery.

(*d*) A leaves with B, his agent, a cheque on a Banker signed by A without inserting the sum payable, and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand Rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand Rupees. B commits forgery.

(*e*) A draws a Bill of Exchange on himself in the name of B without B's authority, intending to discount it as a genuine Bill with a Banker and intending to take up the Bill on its maturity. Here, as A draws the Bill with intent to deceive the Banker by leading him to suppose that he had the security of B and thereby to discount the Bill, A is guilty of forgery.

(*f*) Z's will contains these words—"I direct that all my remaining property be equally divided between A, B, and C" A scratches out B's name, intending that it my be believed that the whole was left to himself and C. A has committed forgery.

(*g*) A endorses a Government Promissory Note and makes it payable to Z or his order by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B erases the words "Pay to Z, or his order" and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(*h*) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(*i*) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(*j*) A having engaged to write Z's will according to Z's direction, and being directed by Z to write that Z leaves the residuum of his property equally between I, K, and L, intentionally omits the name of K, and by inducing Z to believe that the will was drawn according to his instruction, causes Z to execute it, intending that it may be believed that the document is made according to Z's direction. A has committed forgery.

Explanation. A person may commit forgery by signing his own name to a document.

Illustrations.

(*a*) A signs his own name to a Bill of Exchange, intending that it may be believed that the Bill was drawn by another person of the same name. A has committed forgery under the first head of the definition.

(*b*) A writes the word "accepted" on a piece of paper and signs it with Z's name in order that B may afterwards write on the paper a Bill of Exchange drawn by B upon Z and negociate the Bill as though it had been accepted by Z. A is guilty of forgery ; and if B draws the Bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(*c*) A picks up a Bill of Exchange payable to the order of a different person of the same name. A endorses the Bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable ; here A has committed forgery.

(*d*) A purchases an estate sold under execution of a decree against B. B after the seizure of the estate, in collusion with Z executes a lease of the estate to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure with intent to defraud A and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery, by antedating it.

(*e*) A, a trader in anticipation of insolvency, lodges effects with B for A's benefit and with intent to defraud his creditors, and in order to give a colour to the transaction, writes a Promissory Note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Punishment for forgery.

3. Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

Explanation. A person may be guilty of forgery by making a false document in the name of a fictitious person intending it to be believed that the document was made by a real person.

Illustration.

A draws a Bill of Exchange upon a fictitious person and fraudulently accepts the Bill in the name of such fictitious person with intent to negociate it. A commits forgery.

Forging or using a forged document with intent to injure or deceive.

4. Whoever, with the intention of causing damage or injury to any person, or of practising any deception upon any person and by means of such deception causing such person to do any thing which he would not otherwise do, forges any document or uses as genuine any document which he knows to be forged, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Illustrations.

(*a*) A writes a letter and signs it with B's name without B's authority certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(*b*) A without B's authority writes a letter and signs in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate and thereby to induce Z to enter into an expressed or implied contract of service.

Forgery of a record of a Court of Justice, or of a public Register of Births, &c.

5. Whoever forges a document, purporting to be a record or proceeding of a Court of Justice, or a Register of Birth, Baptism, Marriage, or Burial, kept by a public servant, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery of a valuable security or will.

6. Whoever forges a document which purports to be a valuable security or a will, or which purports to give authority to any person to make or transfer any valuable security or to receive the principal, interest, or dividends thereon, or to receive any money, goods, or valuable security, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Forgery for the purpose of cheating.

7. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery for the purpose of harming the reputation of any person.

8. Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be

punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

"A forged document."

9. A false document made wholly or in part by forgery is designated "a forged document."

Uttering or using as genuine a forged document.

10. Whoever utters or uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable under Clause 6.

11. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under Clause 6 of this Chapter, or with such intent has in his possession any such seal, plate, or other instrument knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable otherwise.

12. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any Clause of this Chapter other than Clause 6, or with such intent has in his possession any such seal, plate, or other instrument knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Having possession of a valuable security or will known to be forged with intent to use it as genuine.

13. Whoever has in his possession any document which he knows to be forged and which is or purports to be a valuable security or a will, or which gives or purports to give any such authority as is mentioned in Clause 6 of this Chapter, with intent that the same shall be used or uttered as genuine, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents described in Clause 6 or possessing counterfeit marked material.

14. Whoever counterfeits, upon or in the substance of any material, any device or mark used for the purpose of authenticating any document described in Clause 6 of this Chapter, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.

15. Whoever counterfeits, upon or in the substance of any material, any device or mark used for the purpose of authenticating any document other than the documents described in Clause 6 of this Chapter, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged, or such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent cancellation, destruction, &c. of a will.

16. Whoever fraudulently, or with intent to cause damage or injury to the public or to any person, cancels, destroys, or defaces, or attempts to cancel, destroy, or deface or secretes or attempts to secrete any document which is or purports to be a will, or commits mischief in respect to such document, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Fraudulent cancellation, destruction, &c. of a valuable security.

17. Whoever fraudulently, or with intent to cause damage or injury to the public or to any person, destroys or defaces, or attempts to destroy or deface, or secretes or attempts to secrete any document which purports to be a valuable security, or commits mischief in respect to such document, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

OF TRADE AND PROPERTY-MARKS.

Trade-Mark.

18. A mark used for denoting that goods have been made or manufactured by a particular person or at a particular time or place, or that they are of a particular quality, is called a trade-mark.

Property-mark.

19. A mark used for denoting that moveable property belongs to a particular person is called a property-mark.

Using a false trade-mark.

20. Whoever marks any goods or any case, package, or other receptacle containing goods, or uses any case, package, or other receptacle with any mark thereon, with the intention of causing it to be believed that the goods so marked, or any goods contained in any such case, package, or receptacle so marked, were made or manufactured by any person by whom they were not made or manufactured, or that they were made or manufactured at any time or place at which they were not made or manufactured, or that they are of a particular quality of which they are not, is said to use a false trade-mark.

Using a false property-mark.

21. Whoever marks any moveable property or goods, or any case, package, or other receptacle containing moveable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked or any property or goods contained in any case, package, or other receptacle so marked,

belong to a person to whom they do not belong, is said to use a false property-mark.

Punishment for using a false trade or property-mark with intent to deceive or injure any person.

22. Whoever uses any false trade-mark or any false property-mark with intent to deceive or injure any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.

23. Whoever, with intent to cause damage or injury to any person, knowingly counterfeits any trade or property-mark ordinarily used by any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.

24. Whoever, with intent to cause damage or injury to any person, knowingly counterfeits any property-mark ordinarily used by a public servant, or any mark ordinarily used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the same is of a particular quality or has passed through a particular office or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.

25. Whoever makes or has in his possession any die, plate, or other instrument for the purpose of making or counterfeiting any public or private property or trade-mark with intent to use the same for the purpose of counterfeiting such mark, or has in his possession any such property or trade-mark with intent that the same shall be used for the purpose of denoting that any goods or merchandize were made or manufactured by any particular person or firm by whom they were not made or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Knowingly selling goods marked with a counterfeit property or trade-mark.

26. Whoever sells any goods with a counterfeit property or trade-mark, whether public or private, affixed to or impressed upon the same or upon any case, wrapper, or receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandize not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, or that they are entitled to any exemption, with intent to deceive or injure or damage any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Fraudulently making a false mark upon any package or receptacle containing goods

27. Whoever fraudulently makes any false mark upon any package or receptacle containing goods, with intent to cause any public servant or any other person to believe that such package or receptacle contains goods which it does not contain, or that it does not contain goods which it does contain, or that the goods contained in such package, case, or receptacle are of a nature different from the real nature thereof, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Punishment for making use of any such false mark.

28. Whoever fraudulently makes use of any such false mark with the intent last aforesaid, knowing such mark to be false, shall be punished in the manner mentioned in the last preceding Clause.

Defacing any property-mark with intent to cause injury.

29. Whoever removes, destroys, or defaces any property-mark intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Chapter XIX.

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

Breach of contract of service during a voyage or journey.

1. Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person, or any property, from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Illustrations.

(*a*) A, a palanquin bearer, being bound by legal contract to carry Z from one place to another, runs away in the middle of the stage. A has committed the offence defined in this Clause.

(*b*) A, a cooly, being bound by lawful contract to carry Z's baggage from one place to another, throws the baggage away. A has committed the offence defined in this Clause.

(*c*) A, a proprietor of bullocks, being bound by legal contract to convey goods on his bullocks from one place to another, illegally omits to do so. A has committed the offence defined in this Clause.

(*d*) A by lawful means compels B, a cooly, to carry his baggage. B in the course of the journey puts down the baggage and runs away. Here as B was not lawfully bound to carry the baggage, he has not committed any offence.

Explanation. It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient if the contract is legally made with any person, either expressly or impliedly, by the person who is to perform the service.

Illustration.

A contracts with a Dâk Company to drive his carriage for a month. B employs the Dâk Company to convey him on a journey, and during the month the Company supplies B with a carriage which is driven by A. A in the course of the journey voluntarily leaves the carriage. Here, although A did not contract with B, A is guilty of an offence under this Clause.

2. Whoever, being bound by a lawful contract entered into in British India to serve on board of any vessel, voluntarily leaves that vessel, or remains absent from that vessel, or refuses to perform his duty on board that vessel, except in the case of ill-treatment, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred Rupees, or with both.

Breach of contract made in India to serve on board of vessel.

3. Whoever, being bound by a lawful contract to attend on any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety, or to supply the wants of any such person, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or with both.

Breach of contract to attend on and supply the wants of helpless persons.

4. Whoever, by lawful contract in writing, being bound to render personal service to another for a period not less than one year nor more than three years at a distant place to which by virtue of the contract he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract or refuses to perform the service which he has contracted to perform, shall be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding treble the amount of such expense, or with both; unless it shall appear that the employer has ill-treated him or neglected to perform the contract on his part.

Breach of a contract to serve at a distant place to which the servant is conveyed at the master's expense.

Chapter XX.

OF OFFENCES RELATING TO MARRIAGE.

1. Every man who by deceit causes any woman, who is not lawfully married to him, to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

2. Every woman who by deceit causes any man, who is not lawfully married to her, to believe that he is lawfully married to her and to cohabit with her in consequence of that belief, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Cohabitation caused by a woman deceitfully inducing a belief of lawful marriage.

3. Whoever, having a husband or wife living, marries, in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Marrying again during the life time of a husband or wife.

Exception.—This Clause does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time; provided the person contracting such subsequent marriage informs the person with whom such subsequent marriage is contracted, of the real state of facts so far as the same are within his or her knowledge.

4. Whoever commits the offence defined in the last preceding Clause having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.

5. Whoever, fraudulently or with intent to cause a woman to cohabit or have sexual intercourse with him, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Marriage ceremony gone through with fraudulent intent to induce cohabitation without lawful marriage.

6. Whoever has sexual intercourse with the wife of another man without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Adultery.

7. Whoever entices or takes away a married woman living under the protection of her husband or of any person having the care of her on his behalf, or conceals or detains any married woman from her husband with intent that she may have illicit intercourse with any person, or knowing it to be likely that she will have such illicit intercourse with any person, or conceals or detains any married woman from her husband with such intent or knowledge, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Enticing or taking away a married woman.

Explanation. No prosecution for the offences defined in Clauses 6 and 7 shall be instituted except by the husband of the woman.

Chapter XXI.

OF DEFAMATION.

1. Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases excepted in the ten Clauses next following, to defame that person.

Defamation.

Explanation 1. A person may be guilty of defamation by means of an imputation upon a deceased person, if the imputation would harm the reputation of that person if living, and is hurtful to the feelings of his family or other near relatives.

Explanation 2. A person maybe guilty of defamation by means of an imputation concerning

a company or an association or collection of persons as such.

Explanation 3. An imputation in the form of an alternative or expressed ironically may amount to defamation.

Explanation 4. No imputation is said to harm a person's reputation unless that imputation directly or indirectly lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state or in a state generally considered as disgraceful.

Illustrations.

(*a*) A says—"Z is an honest man; he never stole B's watch;" intending to cause it to be believed that Z did steal B's watch. This is defamation unless it fall within one of the exceptions.

(*b*) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

(*c*) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

Imputation of any truth which the public good requires to be made or published.

2. *First Exception.* It is not defamation to impute any thing which is true concerning any person if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Public conduct of public servants.

3. *Second Exception.* It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character so far as his character appears in that conduct, and no further.

Conduct of any person touching any public question.

4. *Third Exception.* It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character so far as his character appears in that conduct, and no further.

Illustration.

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Publication of reports of proceedings of Courts of Justice.

5. *Fourth Exception.* It is not defamation to publish a substantially true report of the proceedings of a Court of Justice or of the result of any such proceedings: but in any case in which the Court before which such proceedings is had shall by order have prohibited the publication of the proceedings, it may be defamation to publish such report before the prohibition has been withdrawn or the case has been finally disposed of by that Court, or in the case of proceedings preliminary to a trial in another Court, before the conclusion of the trial.

Explanation. A Justice of the Peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice is a Court within the meaning of the above Clause.

Merits of a case decided in a Court of Justice; or conduct of witnesses and others concerned therein.

6. *Fifth Exception.* It is not defamation to express in good faith any opinion whatever respecting the merits of any case, Civil or Criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party witness, or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations.

(*a*) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception if he says this in good faith; inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(*b*) But if A says—"I do not believe what Z asserted at that trial, because I know him to be a man without veracity;"—A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's conduct as a witness.

Merits of a public performance.

7. *Sixth Exception.* It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation. A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations.

(*a*) A person who publishes a book, submits that book to the judgment of the public.

(*b*) A person who makes a speech in public, submits that speech to the judgment of the public.

(*c*) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(*d*) A says of a book published by Z. "Z's book is foolish, Z must be a weak man. Z's book is indecent, Z must be a man of impure mind." A is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(*e*) But if A says—"I am not surprised that Z's book is foolish, and indecent, for he is a weak man, and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Censure passed in good faith by a person having lawful authority over another.

8. *Seventh Exception.* It is not defamation in a person having over another any authority, either conferred by law, or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration.

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his Bank for the conduct of such cashier as such cashier—are within this exception.

Accusation preferred in good faith to a duly authorized person.

9. *Eighth Exception.* It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.

Illustration.

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father; A is within this exception.

Imputation made in good faith by a person for the protection of his interests in the management of his concerns.

10. *Ninth Exception.* It is not defamation in a person giving directions for the management of his concerns to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interests of the person making it.

Illustration.

A, a shopkeeper, says to B, who manages his business, "Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith, for the protection of his own interests.

Caution intended for the good of the person to whom it is conveyed.

11. *Tenth Exception.*—It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed or of some person in whom that person is interested.

Punishment for defamation.

12. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Printing or engraving matter known to be defamatory.

13. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Sale of printed or engraved substance containing defamatory matter.

14. Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Chapter XXII.

OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

Criminal intimidation.

1. Whoever threatens another with any injury to his person, reputation, or property, or to the person, reputation, or property of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation. A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this Clause.

Illustration.

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

Punishment for criminal intimidation.

2. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both;

If threat be to cause death or grievous hurt, &c.

and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or transportation, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

Criminal intimidation by anonymous communication.

3. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding Clause.

Act caused by inducing a person to believe that he will be rendered an object of the divine displeasure.

4. Whoever voluntarily causes or attempts to cause any person to do any thing which that person is not legally bound to do, or to omit to do any thing which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Illustrations.

(*a*) A sits Dhurna at Z's door with the intention of causing it to be believed that by so sitting he renders Z an object of divine displeasure. A has committed the offence defined in this Clause.

(*b*) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of divine displeasure. A has committed the offence defined in this Clause.

Word or gesture intended to insult the modesty of a woman.

5. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Misconduct in public by a drunken person.

6. Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten Rupees, or with both.

Chapter XXIII.

OF ATTEMPTS TO COMMIT OFFENCES.

Punishment for attempting to commit offences punishable with imprisonment.

Whoever attempts to commit an offence punishable by this Code with imprisonment and in such attempt does any act towards the commission of the offence but involuntarily fails or is intercepted or prevented from carrying his intention into execution, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(*a*) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission to theft, and therefore is guilty under this Clause.

(*b*) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket: A is guilty under this Clause.

W. MORGAN,
Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

AUSPICIO REGIS ET SENATUS ANGLIÆ

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, JANUARY 24, 1857.

Land-Sale Notices.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Beerbhoom will be put up to public and unreserved Sale at the Collector's Office of that District, on Friday, the 6th February 1857, or 25th Maugh 1263 B. S., for arrears of Revenue :—

Class II.—Permanently-settled Estates.

No. 427.—Kismut Shimlaparah, Pergunnah Rajshahee ; recorded proprietor, Ramgopaul Hajrah ; sudder jumma, rupees 20-6-5.

No. 453.—Mouzah Kaleesunkerpore, Talook Mullarpore ; recorded proprietors, Sullarghoram, Dhununjoy, Bharutchunder, Monmohun, Koorarain, Tarachurn, and Kistochunder Chowdry, Sham Preeah Dossea, Nittae Chund, Kartick Churn, Korpoor Churn, Ombika Churn, Radhanath, Hollodhur, Ramcoomar, Premnarain, and Chundernarain Chowdry ; sudder jumma, rupees 39-13-10.

HARENDRA KRISHNA,
Deputy Collector,
In Charge.

ZILLAH BEERBHOOM ;
Collector's Office,
The 14th January 1857.

NOTICE is hereby given, that the under-mentioned Estate in Zillah Furreedpore, will be put up to public and unreserved Sale, at the Deputy Collector's Office of that District, on 10th February 1857, or 29th Magh 1263 B. S., for Arrears of Revenue :

Class II.—Temporary-settled Estates.

No. 274.—Mouzah Hureenaparrah in Chur 50,000 Beegah Mehal ; recorded proprietors, Bhom Narain Roy, Harrender Narain, and Roopender Roy ; sudder jumma, Rupees 35-8-6.

عبد الجبار
Deputy Collector, in charge.

FURREEDPORE ;
Deputy Collector's Office,
The 13th January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Rungpore, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Wednesday, the 11th February 1857, or 1st Falgoon 1263 B. S., for Arrears of Revenue :

Class I.—Permanently-settled Estates.

No 277.—Kismut Dulgong, in Chackla Carzeehaut ; recorded proprietor, Bishenmoyee Debea ; sudder jumma, Rupees 32-14-0.

No. 444.—Talook Panee Macher Kootee, in Chackla Poorub Bhaug ; recorded proprietors Huranund Bidyahninash, Permanund Surmah, Kasseenath Dass, Kishen Prushad Rai, Sibprushad Sircar, and Rookminee Dassea ; sudder jumma, Rupees 39-7-4.

A. G. MACDONALD,
Collector.

RUNGPORE ;
Collector's Office,
The 13th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Maldah, will be put up to public and unreserved Sale, at the Deputy Collector's Office of that District, on the 5th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857 :—

Clause I.—Permanently-settled Estate.

No. 247.—Mehal Huzooree, Mouzah Futtypore, Pergunnah Amgatchee in Pergunnah Kankjole ; proprietor, Takoor Dass Shah ; sudder jumma, Rupees 31-10-11.

E. C. CRASTER,
Officiating Deputy Collector.

MALDAH,
The 14th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah West Burdwan, will be put up to public and unreserved Sale, at the Collector's Office of that District, on the 6th day of February 1857, or 25th Maugh 1263 B. S., for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857:

Class II.—Permanently-settled Estate.

No. 334.—Mehal Nacktorah and ¼ Mehal Beldangra, Pergunnah Bishenpore; recorded proprietors, Punchanun Chuttoraj, Nundcoomar Chuttoraj, Radheekaporsaud Chuttoraj, Maungobind Chuttoraj, Goburdhun Chuttoraj, and Holodhur Chuttoraj; sudder jumma, Rupees 76-8-9.

Class II.—Permanently-settled Estate.

No. 411.—Mehal Beersingha, Pergunnah Bishenpore; recorded proprietors, Kreepamoye Gossamie, Ramkanie Gossamie, Lalljeemohun Gossamie and Kistodhun Sandeal; sudder jumma, Company's Rupees 33-15-11.

(Signed) SYED OJAH OLLAH KHAN,
Uncov. Deputy Collector, in charge.

BANCOORAH;
Deputy Collectorate,
The 16th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Mymensing, will be put up to public and unreserved Sale, at the Collector's Office of that District, on the 10th day of February 1857, or 29th Maugh 1263 B. S., Tuesday, for Arrears of Revenue:

Class I.—Permanently-settled Estates.

No. 605.—Juffur Mahomed, Pergunnah Burbazoo; recorded proprietors, Thaum Bebee, and others; sudder jumma, Rupees 12-7-7.

No. 1776.—Kismut Talook Doorgapersad Sûrma, Pergunnah Hosenshye; recorded proprietor, Chundee Kaleekinker Surma Gangoolee; sudder jumma, Rupees 50-10-8.

No. 1847.—Prannath Pergunnah Hosenshye; recorded proprietor, Sreesteedhur Roy, auction purchaser; sudder jumma, Rupees 12-7-6.

No. 1853.—Kismut Talook Roheemkhan; hissa, 8 annas 10 gundahs, Pergunnah Hosenshye recorded proprietor, Hurkishore Doss, auction purchaser; sudder jumma, Rupees 15-0-9.

B. COOPER,
Collector.

MYMENSING COLLECTORATE,
The 14th January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Dinagepoor, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Monday, the 2nd day of February 1857, corresponding with the 21st of Maugh 1263 B. S:

Class I.—Permanently-settled Estates.

No. 201.—Mouzah Ootumparah, &c., Pergunnah Panjrah; recorded proprietors, Joymonee Debbah, and others. This Mehal is under Butwarrah according to Regulation 19 of 1814. The other Shareholders have paid the Revenue due for their respective shares, and the share of the above named Joymonee Debbah, the heir of Seetulchund Talookdar, amounting to three annas, the sudder jumma of which is Rupees 852-13-2¼ will be sold.

No. 434.—Mouzah Roheemapoor, Pergunnah Lallbaree, Jagheer in Mookteepoor; recorded proprietor, Prannaut Dass; sudder jumma, Rupees 272-7-11.

No. 712.—Mouzah Gossypoor, Pergunnah Beejanugur; recorded proprietors, Calleekant Pundit, Coolooboollah, and Gureeb Saha; sudder jumma, Rupees 52-2-4¼.

The entire Mehal will be sold.

F. A. ELPHINSTONE DALRYMPLE,
Collector.

DINAGEPOOR;
Collector's Office,
The 15th January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Tipperah, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Tuesday, the 10th February 1857, or 29th Maugh 1263 B. S., for Arrears of Revenue:

Class I.—Permanently-settled Estates.

No. 45.—Talook Kisto Ram Punchanun, Pergunnah Mohobutpore; recorded proprietor, Doorga Persaud Misser; sudder jumma, Rupees 194-14-11.

No. 156.—Talook Ram Soonder Singh, in Pergunnah Mohobutpore; recorded proprietor, Doorga Persaud Misser; sudder jumma, Rupees 99-3-2.

No. 205.—Talook Dabee Persaud Gooho Moodafut; hissa 2 anpas in Chackla Jadoo Roy, Pergunnah Goonanundee; recorded proprietor, Ram Doyal Mozoomdar; sudder jumma, Rupees 31-6-5.

J. R. MUSPRATT,
Officiating Collector.

ZILLAH TIPPERAH;
Collector's Office,
The 15th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Burdwan, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday the 13th February 1857, corresponding with the 3rd Falgoon 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently settled-estates.

No. 1377.—Mehal Aymah Mujeegong, Pergunnah Dhareah; recorded proprietors, Sreemunt Roy and Bholanath Roy; sudder jumma, Rupees 51-12-8, exclusive of Maheea Mathootee 0-12-9

No. 1442.—Mehal Aymah Mungleeote, Pergunnah Auzmutsahee, recorded proprietress; Aneemun Nessa Bebee; sudder jumma, Rupees 17-14-10, exclusive of Maheena Mathootee 0-5-7.

No. 1445.—Mehal Aymah Mungleeote, Pergunnah Auzmutsahee; recorded proprietress, Aneemun Nessa Bebee; sudder jumma, Rupees 11-6-1, exclusive of Maheena Mathootee, 0-2-10.

No. 3863.—Mehal Dauripurah, &c., Pergunnah Roypoor; recorded proprietors, Sreekist Chuttopadha, Sreelakist Chuttopadha, Sreemutee Manick Deba, Jugodumba Deba, and Gobindo Deba; sudder jumma, Rupees 10-6-11.

H. M. REID,
Offg. Collector.

BURDWAN;
Collector's Office,
The 19th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Sarun, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Wednesday, the 11th February 1857, or 3rd Falgoon 1264, Fuslee, for Arrears of Revenue :—

Class I.—Permanently-settled Estate.

No. 282.—Deara Chintamunpoor, Pergunnah Goah; recorded proprietor, Hurpershad Sing; sudder jumma, Rupees 161.

J. MACLEOD,
Deputy Collector of Sarun in Charge.

SARUN;
Collector's Office,
The 16th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Hooghly, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday the 6th February 1857, or 25th Maugh 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 457.—Kismut Ramessurpore, Pergunnah Arsha; recorded proprietor, Neelmony Dutt; sudder jumma, Rupees 19-5-4.

No. 1774.—Kismut Pole, Pergunnah Bhoorsheet; recorded proprietors, Bhagbut Mannah, Bissumbhur Mannah, Nundoolall Mannah, and Bystub Doss Mannah, Sabaits of Essur Bahareelall Jeeoo and Bhagbut Chunder Poddar; sudder jumma, Rupees 19-14-8.

No. 2508.—Kismut Koorchee, Pergunnah Bhoorsheet; recorded proprietors, Ramjee Bannerjea and Ramkanto Mookerjea; sudder jumma, Rupees 37-1-3.

No. 2517.—Kismut Koorchee, Pergunnah Bhoorsheet; recorded proprietors, Ramjee Banerjea and Ramkantoo Mookerjea; sudder jumma, Rupees 13-11-8.

E. GREY,
Asst. Collector in Charge.

HOOGHLY;
Collectorate,
The 20th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Dacca, will be put up to Public and unreserved sale, at the Collector's Office of that District, on the 9th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class 1.—*Permanently-settled Estates.*

No. 86.—Kismut Khoyracandy, Tuppa Bakeepore, Dukhul Cosseenauth Roy; recorded proprietor, Cossynath Roy; sudder jumma, Rupees-11 10-6.

No. 101.—Resumed Kismut Cootanurry Boyra, Pergunnah Huzrutpore; recorded proprietor, Khemankory Dosseah, widow of Bhobanund Roy, Joynarain Roy, Gorachand Roy, Greeshchunder Roy, Assanund Deo Sircar, and Gungapersaud Chowdry; sudder jumma, Rupees 10-11-10

No. 102.—Kismut Nealgram, resumed Lakhiraj, Pergunnah Mobaruck Oojeeal; recorded proprietors, Gooroopersaud, Ramkannye Golucchunder and Surropchunder Roy; sudder jumma, Rupees 11-13-1.

No. 119.—Talook Bholunath Kallikapersaud Chund, Khraija Pergunnah Pautpussar, Mehal Hozooree; sudder jumma, Rupees 189 1-9¾.

No. 3697.—Talook Rajaram Surmah Dhoouty, Pergunnah Jelalpore, Zillah Jelalpore; recorded proprietor, Gourypersaud Roy; sudder jumma, Rupees 21-11 2½.

No. 3730.—Talook Ramsurn Mitter, Pergunnah Ditto, Zillah Ditto; recorded proprietor, Ramsurn Mitter; sudder jumma, Rupees 32-8-9½.

No. 3750.—Talook Prankisto Sein, Pergunnah Ditto, Zillah Ditto; recorded proprietor, Obhoychurn Hore; sudder jumma, Rupees 11-11-9.

No. 4798.—Talook Tilluck Mundle, Pergunnah Soojabad Cootoobpore, Zillah Nooroollahpore; recorded proprietor, Tilluck Mundle; sudder jumma, Rupees 12-12-9½.

No. 6621.—Howallah Joynarain Surmah, Chucklah Noorpore Zillah Rajnugger; sudder jumma, Rupees 45-13-10-½.

C. LIMOND,
Offg. Collector.

ZILLAH DACCA;
Collectorate,
The 17th January 1857

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under mentioned Estates, in Zillah Behar, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 10th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857 :—

Class II.—Arrears due from Estates not permanently-settled.

No. 1200.—Mehal Kutree Tuppeh Barun Lah, Pergunnah Balounja; recorded proprietors, Billoo Ram Pattuck, Ruttun Byed, Bhowany Byed, Ranayesur Byed, and Daybee Byed; sudder jumma, Rupees 36 12.

Class I.—Estates Permanently-settled.

No. 1218.—Mehal Kurkutta Tuppeh Paharee, Pergunnah Bilounja; recorded proprietors, Shewmany Coour, Bodha Coour, themselves and guardians of Khaydun Sing and Abboss Roy; sudder jumma, Rupees 53-11-9.

No. 1315.—Mehal Lodeepooroonda, Pergunnah Behar; recorded proprietor, Nyun Paul; sudder jumma, Rupees 35-3 2.

No. 1353.—Mehal Nunowur Jhukkour, &c., Pergunnah Behar; recorded proprietors, Dumree Singh, Seeta Ram, Rohee Singh, and Kassee Ram; sudder jumma, Rupees 1,090-14-11.

No. 1643.—Mehal Minjoomleah Sautopoor, Khordoorf, Burah Kooroowa, Pergunnah Behar; recorded proprietors, Shah Uzhur Hosain, Mosst Gyasun Oorf Munjun, Dhummoo, Jhummoo, Oorf Futtoo, Wajday, Luteefun, Ameenah Fautmayoonnissa and Sohunloll; sudder jumma, Rupees 30-4-2.

No. 1668.—Mehal Maunpoor Tetrawa Lot 3rd, Pergunnah Behar; recorded proprietors, Shah Neamut Ally Shaik Bunday Ally, Iltaf Hosain, Mahlee Hossain, Ufzul Hosain Tuffuzool Hossein, Oorf Dahoo, Meer Emman Ally, Mosst Ameeroonnissa Eelun, Boolhun Zahoorun Nujjo Hashim Ally, Shah Qumuroodeen, and Meer Wussee Ally; sudder jumma, Rupees 80-9-11.

Class IV.—Arrears due on Account of Estates other than that to be sold.

No. 2116.—Right and Interest of Mosst. Mukdooman, heiress of Mudeehun, deceased, the Surety from Mouzah Simra Chuck Simra Pergunnah Bhellawur; recorded proprietors, Mosst. Muckdoomun, Nujmooddeen, Nuseebun Mosst. Ameerun and Wiheedun; sudder jumma, Rupees 540-15-6, including Malikanna.

Class I.—Permanently-settled Estates.

No. 3063.—Mehal Chuck Aboojulal Uz Rugqeh Kusbey Surmoy, Pergunnah Sumoy; recorded proprietors, Mohommud Ismyle Qumuroodeen, Alleemooddeen, Mohommud Hussun Mahommudee, Mujhur Ally Mosst. Oostun, Mosst. Wuzeerun, Mosst. Ameerun, Mosst. Zuhoorun, Ehsanooddeen Golam Hosain, Rahaut Hossain, Kamulooddeen, Bahadoor Ully and Wuseemooddeen; sudder jumma, Rupees 44-12.

No. 4855.—Mehal Mahsullaoorf Burhoreea, Pergunnah Muhair; recorded proprietors, Chowdhurree Kaleechurn, Narain Sing, Goureepersaud, Ramnarain, Musseerooddeen, Ahmud and Shetaub Roy; sudder jumma, Rupees 16-8-2

PUNDIT RAMNARAIN,
Deputy Collector in Charge.

BEHAR COLLECTORSHIP;
Gya,
The 17th January 1857.

NOTICE is hereby given, that under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah 24-Pergunnahs, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday the 9th February 1857, or 28th Maug 1263 B. S., for Arrears of Revenue due on the 12th January 1857.

Class II.—Temporary settled Estates.

No. 1320.—Hozooree Mehal, Pergunnah Medunmullo, Mouza Arapoonjee; recorded proprietor, Moheschunder Kur Chowdry, &c.; sudder jumma, Rupees 37-8-0.

No. 1366.—Hozooree Mehal Mouzah Radhakantpore, Lot No. 27; recorded proprietor, Madhubchunder Auduck; sudder jumma, Rupees 174-4-10.

KYLAS C. DUTT,
Deputy Collector in Charge.

COLLECTOR'S KUTCHERRY,
24-Pergunnahs,
The 22nd January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Backergunge will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday, the 9th February 1857, or 28th Maugh 1263 B. S., for Arrears of Revenue and other demands, which by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857 :—

Class I.—Permanently-settled Estate.

Former No. 2580—Present No. 2543.—Kharyah Tuppay Lackerdeeah Ramdoss Pall Talook; recorded proprietors, hissa 2 annas 13 gundas 1 cowree 1 krant Kistomohun Tobeeldar, hissa 1 anna 6 gundas 2 cowrees 2 krants Gungadnur Shaha, hissa 17 gundas 3 cowrees 9 teel Permesphurry, hissa 11 annas 2 gundas 2 krants 18 teel Ramdoss Paul; sudder jumma, Rupees 19-3-2½.

Class II. Temporarily-settled Estate.

No. 4427.—Pergunnah Sullimabad Chuck Abdool Russoolpoor Howallah Doorgachurn Bundopuddeea; recorded proprietor, Doorgachurn Bundopuddeea; sudder jumma, Rupees 217-12-3½ in 1245 B. S., Rupees 271-7-8¼ in 1246 B. S., Rupees 347 9-5¼ in 1247 B. S., Rupees 456-9-2 in 1248 B. S., Rupees 503-14-7¼ in 1249 B. S., Rupees 537-14 9 in 1250 B. S., Rupees 545-2-2 in 1251 B. S., Rupees 552-9-7 in 1252 B. S., Rupees 560-1 in 1253 B. S., and from 1254 B. S., Rupees 565-3-2 annually.

C. MACKILLOP,
Offg. Collector.

ZILLAH BACKERGUNGE;
Collector's Office,
The 16th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Moorshedabad, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Saturday, the 7th February 1857, or 26th Maugh 1263 B. S., for Arrears of Revenue :—

Class I. Permanently-settled Estate

No. 433.—Hooda Syedpore, Pergunnah Koerpertab; recorded proprietor, Khatronath Burral; sudder jumma, Rupees 1,154-6-11

Class II Temporarily-settled Estates.

No. 584.—Diar Sibnuggur, Pergunnah Luskurpore, Bundbustydars, Essanchundar Roy, Guardian of Koer Juggendurnarain Roy; minor, Prosonocoomar Mozoomdar, Guardian of Koer Purresnarain Roy, minor, Ranee Kistomoty Debya, widow of Goluckindurnarain Roy and Ranee Surnomoye Dabya, widow of Bhoopendurnarain Roy; sudder jumma, Rupees 593-5-3.

Class I. Permanently-settled Estates.

No. 1649.—Kismut Luckhunbatty, Pergunnah Cootoobpore, Futehpore; recorded proprietor, Mookund Dass, sudder jumma, Rupees 10-10-8.

No. 2055.—Kismut Seizgram, Pergunnah Futtehsing, Aimadar Meer, Sayed Ally; sudder jumma, Rupees 10 2 11.

No. 2084.—Kismut Bhurruthpore, Pergunnah Futtehsing, Aimadar Syed Shurruf, and Gungapershad Sing; sudder jumma, Rupees 15-6-5.

H. C. HALKETT,
Collector.

MOORSHEDABAD;
Collector's Office,
The 20th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Moorshedabad, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Saturday, the 7th February 1857, or 26th Maugh 1262 B. S., for Arrears of Revenue :—

Class II. Temporarily-settled Estate.

No. 584.—Diar Sibnuggur, Pergunnah Luskurpore, Bundbustydars, Ranee Soorjomoney Debya, Goluckindurnarain, Gerishnarain Roy, Essurnarain, Ranee Bhobunmoye Debya, Essannarain Bhoyrubindurnarain, Mohesnarain, and Hurrendurnarain Roy, and Ranee Surnomoye Debya, sudder jumma, Rupees 593-5-3.

H. C. HALKETT,
Collector.

MOORSHEDABAD;
Collector's Office,
The 20th January 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

Numb. 8. [165]

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work*

CECIL BEADON,
Secy to the Govt of India.

WEDNESDAY, JANUARY 28, 1857.

Notifications, Appointments, &c.

No. 159.

Fort William, Home Department,
The 23rd January 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. A. Money, of the Civil Service, who reported his return from Furlough on the 21st Instant.

The Furlough available by the return to India of Mr. A. Money is assigned to Mr. H. Lushington, for two years, from the date of his embarkation for Europe.

No. 160.

The 24th January 1857.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the North Western Provinces, the Punjab and Oude, Mr. St. George Tucker, of the Civil Service, who reported his return from Furlough on the 21st Instant.

The Furlough available by the return to India of Mr. St George Tucker is assigned to Mr. J. C. Dodgson, of the Civil Service, for three years, from the date of his embarkation for Europe.

CECIL BEADON,
Secy. to the Govt. of India.

No. 411.

Fort William, Foreign Department,
The 23rd January 1857.

The Right Honorable the Governor General in Council is pleased to recognize Mr. John Ogilvy Hay as Vice-Consul for His Majesty the King of Denmark, at the Port of Akyab.

No. 412.

The Revd. H. D. James is appointed Chaplain of Mooltan.

No. 413.

The 27th January 1857.

Dr A. W. R. Newenham made over charge of the duties of the Presidency Surgeon at Indore to Dr. J. M. Knapp on the 12th Instant.

No. 414.

Captain G. M. Martin, Officiating Superintendent of Coorg, assumed charge of his Office on the 31st Ultimo.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 5.

Fort William, Financial Department,
The 16th January 1857.

Notifications.—Notice is hereby given, that the Sub-Treasurers at Fort William, Fort St. George, and Bombay, the several Residents at Native Courts, and the several Collectors and other Officers, in charge of Treasuries under the several Presidencies and Governments, and in the Provinces subordinate to the Government of India, have been authorized to receive from the date of this Notification any sums of money in even hundreds of not less than 500 of Company's Rupees, which may be tendered on Loan to the East India Company, at an Interest of Five per Cent. per annum, subject to the provisions hereinafter specified

All authorized public demands, including audited Bills for arrears of Salary and Bills of Exchange on the Public Treasuries,—these last

being subject to a deduction at the rate of Five per Centum per annum for the period they may have to run,—will be received as Cash at par.

The Pay-masters of the Army under the several Presidencies are also authorized to transfer any demands which may be payable by them respectively to this Loan, and to grant Drafts for the amounts, in Bengal and Madras on the Accountant General, and in Bombay on the Military Paymaster General, which Drafts shall be received by those Officers in payment of Subscriptions to this Loan, on being tendered to them for that purpose.

The several public Officers, authorized to receive Subscriptions into this Loan, will grant acknowledgements, in the following form, for all sums received by them respectively :—

"I hereby acknowledge that A. B. has this day "paid into the East India Company's Trea- "sury the sum of Company's Rupees for which he is entitled to re- "ceive a Promissory Note bearing Interest "from the (28th February or 31st of August "next as the case may be), of the tenor and "subject to the conditions of the Loan speci- "fied in the Advertisement published in "the *Calcutta Gazette* of the 16th January "1857."

The Accountant General at Fort William will, on the said acknowledgements being delivered, forthwith cause to be prepared and issued to the parties entitled thereto, Promissory Notes under the signature of the Secretary to the Government of India, in the following form :—

"FORT WILLIAM, THE 28TH FEBRUARY 1857.

"Promissory Note at Five per Centum for Com- "pany's Rupees
"The Governor General of India in Council does "hereby acknowledge to have received from A. B. "the sum of Company's Rupees "as a Loan to the East India Company, and does "hereby promise for and on behalf of the said "Company to repay the said Loan, by paying the "said sum of Company's Rupees "to the said A. B., his Executors or Administra- "tors, or his or their Order, on demand, at the "General Treasury of Fort William, after the "expiration of three months' Notice of payment "to be given by the Governor General of India in "Council in the *Calcutta Gazette*, and to pay the "Interest accruing on the said sum of Company's "Rupees at the rate of "Five per Centum per annum, by half-yearly pay- "ments, at the General Treasury of Fort William, "to the said A. B., his Executors or Administra- "tors, until the expiration of three months after "such notice of payment as aforesaid, when the "amount of Interest due will be payable with the "Principal, and (such notice being considered "equivalent to a tender of payment at the period "appointed for the discharge of the Note) all "further Interest shall cease.

"Signed by the authority of the Governor "General of India in Council,

"*Secretary to the Government.*"

"*Accountant General's Office,*
"*Registered as No. , of* "

The several Officers authorized to receive Subscriptions will, on application from the holders of acknowledgements, transmit them (free of every expense whatever) to the Accountant General at Fort William, to be exchanged for Promissory Notes bearing Interest from the 28th of February or 31st of August next ensuing after the date of Subscription. The Interest accruing on the broken period of the half-year that may intervene between the date of Subscription and the 28th of February or 31st August next ensuing, as the case may be, will be paid up at the time of granting the acknowledgement.

Proprietors of Notes or Acknowledgements, who may desire to have the Interest payable at any other public Treasury than at the General Treasury of Calcutta, shall be entitled to receive it accordingly, provided they notify their wish to the Accountant General at Fort William, and transmit the Notes or Acknowledgements to him, to have an Order for the payment of Interest at the said Treasury written on the face of the Notes under the signature of the said Officer or that of his Assistant, and after such order shall, on the application of the proprietor, be inscribed on any Note, the Interest shall be payable only from the said Treasury, unless the proprietor shall present the Note with an application for the purpose of transferring the payment elsewhere to the Accountant General at Fort William.

The Promissory Notes of this Loan shall not be renewed, sub-divided, or consolidated, except by the Accountant General of Fort William. The practice and rules heretofore in use in regard to the renewal, sub-division, and consolidation of Promissory Notes will be adhered to.

This Loan is limited to Three Crores of Rupees. No part of this Loan will be paid off before the 16th January 1872, nor without a previous notice of three months, to be issued at any time after the 15th October 1871.

The Four-and-a-half per Cent. Loan, opened under Notification dated 30th August 1856, is closed from this date at the Public Treasuries in Calcutta, and at all other Treasuries under the several Governments, from date of receipt of this Advertisement, after which dates no further Subscriptions to that Loan will be received.

Published by Order of the Right Hon'ble the Governor General of India in Council,

C HUGH LUSHINGTON,
Secy. to the Govt. of India.

No. 149.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 19th January 1857.—Mr. W. J. Allen, Officiating Member of the Board of Revenue, having been deputed to the Cossiah Hills on special duty, is vested with the full powers of the Board of Revenue in the Districts of South Cachar, Sylhet and Cherra, and the tract of Country under the authority of the Principal Assistant to the Commissioner of Assam.

The 23rd January 1857.—Mr. G. O. Wray, to officiate as a Judge of the Court of Small Causes.

Baboo Greeschunder Ghose, to be a Member of the Local Committee of Public Instruction at Bograh.

The 24th January 1857.—Mr. W. S. Seton Karr, to officiate as Civil and Sessions Judge of Jessore.

Mr. J. A. Floyd, to be a Sub-Assistant Commissioner in the Southal Pergunnahs.

The 26th January 1857.—Mr. A. R. Young, to be Secretary to the Government of Bengal.

Mr. E. H. Lushington, to be Junior Secretary to the Board of Revenue.

Mr. H C. Halkett, to be Collector of Nuddea.

Mr L. S. Jackson, to be Collector of Moorshedabad; but to continue to officiate until further orders as Civil and Sessions Judge of Rajshahye.

Mr. C. S. Belli, to officiate as Collector of Moorshedabad.

The above appointments will take effect from the 25th Instant.

The 27th January 1857.—Mr. C. F. Montresor, to officiate as Collector of Tipperah.

Mr. A. Money, to officiate as Collector of Sylhet.

A. R. YOUNG,
Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 130 A. of 1857.

Judicial Department,

Head Quarters, the 20th January 1857

Leave of Absence.—Mr. L. C. Probyn, Assistant Magistrate and Collector of Ghazeepoor, for twelve months, to visit Europe, on Medical Certificate, under Section IV. of the Absentee Rules, and the usual preparatory leave to reach the Port of Embarkation under the Rules in force, from the 1st February next.

No. 134 A. of 1857.

Appointments.—Mr. William Wynyard, to officiate as Civil and Sessions Judge of Azimgurh, during the absence of Mr. W. C. S. Cunninghame, or till further orders.

No. 139 A. of 1857.

Assistant Surgeon Charles Lowdell, to be Civil Assistant Surgeon at Muttra.

No. 90 A. of 1857.

General Department,

The 22nd January 1857.

Leave of Absence.—Mr. John N. Tressider, Civil Surgeon of Cawnpoor, for one month, from the 15th March next, under Rule 29 of the new Furlough Regulations, to visit Calcutta, preparatory to obtaining Furlough to England for six months, under Rule 9 of those Regulations.

No. 47 A. of 1857.

Revenue Department.

Appointments.—Munnowur ool Zuman, Deputy Collector, under Regulation IX. of 1833, for the purpose of revising the Settlement Records in Zillah Shahjehanpoor, is appointed to officiate in that District as Deputy Collector on the permanent Establishment.

Hamid Hussein Khan, Tehseeldar of Pawayne, in Zillah Shahjehanpoor, is appointed to be a Deputy Collector in that District, for the purpose of revising the Settlement Records.

No. 148 A. of 1857.

Judicial Department.

Leave of Absence.—The usual preparatory leave to reach the Port of Embarkation for the purpose of proceeding on Furlough to Europe, under the orders of the Government of India of the 19th September 1856, is granted to Mr. Gilbert Pocklington Money, Magistrate and Collector of Allyghur, from the date on which he may avail himself of the leave.

No. 151 A. of 1857.

Appointment.—Mr. Charles W. Moore, to be an Assistant in the Benares Division.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 241 of 1857.

Judicial Department.

Agra, The 19th January 1857.

Leave of Absence.—Mr. D Grant, Joint Magistrate and Deputy Collector of Futtehgurh, for two months, on urgent private affairs, under Section XIV. of the Amended Absentee Rules, from the date he may avail himself of the leave.

No. 224 of 1857.

General Department,

The 20th January 1857.

Appointment.—The Rev. F. E. Schneider, to be a Marriage Registrar in the District of Agra.

By order of the Hon'ble the Lieutenant Governor of the North-Western Provinces.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 27th January 1857.

No. 143 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders:—

No. 331, *dated 21st January* 1857.—Surgeon Allan Webb is appointed to be in medical attendance on the Mysore Princes, in addition to his own duties, during the absence on leave of Dr. Strong.

No. 334, *dated 23rd January* 1857.—The Governor General in Council is pleased to accept Major F. Maitland's resignation of his appointment as Commandant of the 7th Infantry Regiment Gwalior Contingent, and to place that Officer's services at the disposal of His Excellency the Commander in Chief from the 1st Instant.

No. 335.—The Governor General in Council is pleased to grant to Colonel Sir Henry Lawrence, K.C.B., Agent to the Governor General for the States of Rajpootana, leave of absence for one month, from the 1st Proximo, to proceed to Bombay, preparatory to applying for furlough to Europe on Medical Certificate.

No. 337.—Captain J. W. Bristow, Officiating Deputy Commissioner in the Punjab, has obtained

leave of absence, on Medical Certificate, from the 6th to the 26th Instant, (in extension of the leave granted in General Order dated 30th Ultimo No. 6269) to remain at Mooltan, preparatory to applying for furlough to Europe.

No. 144 *of* 1857.—The following Notifications, from the Public Works Department, are published in General Orders :—

No 7, *dated* 23*rd January* 1857.—*Appointments*—The Right Hon'ble the Governor-General in Council is pleased to make the following appointments :—

Lieutenant C. D. Newmarch, of Engineers, 1st Class Executive Engineer Moulmein Division, to be Assistant to the Chief Engineer in Pegu.

Captain H Man, of the 49th Regiment Madras Native Infantry, Resident Councillor, Malacca, to be a 1st Class Executive Engineer Moulmein Division, *vice* Lieutenant C. D. Newmarch.

No 8, *dated* 23*rd January* 1857.—Lieutenant J. J. McLeod Innes, of Engineers, 3rd Class Executive Engineer, at present attached to the 4th Division Baree Doab Canal, to be Assistant to the Chief Engineer in Oude.

No. 145 *of* 1857.—The following Communication, from the Officiating Secretary Board of Revenue Lower Provinces, addressed to the Commissioner of Revenue, No. 2 dated 14th Instant, with the set of Rules therein referred to, published in the *Calcutta Gazette* of the 24th Instant, is republished in General Orders :—

No. 2.

FROM

THE OFFG. SECRETARY TO THE BOARD OF REVENUE L. P.

TO

THE COMMISSIONER OF REVENUE FOR THE DIVISION OF

Dated Fort William, the 14*th January* 1857.

SIR,

I AM directed by the Board of Revenue to forward a set of Rules regarding the supply of Carriage for Troops on the march, which have received the sanction of the Right Hon'ble the Governor General in Council and which supersede the former Rules upon the same subject.

LAND REVENUE.

W. Dampier,

AND

H. Stainforth,

Esquires.

2nd. You will impress upon the several Officers subordinate to you the necessity of attending strictly to these directions, and it will be your duty to bring to the notice of the Board any deviation from them.

3rd. A copy of the Purwannah referred to in Rule 13 is also forwarded herewith. You will instruct your Subordinates to indent for as many Copies as will suffice for a year's consumption. The Superintendent of the Lithographic Press has been directed to comply with the Indents.

I have the honor to be.

Sir,

Your most obedt. Servant,

(Signed) E. T. TREVOR,

Offg. Secretary.

RULES.

1. Carriage is not to be supplied by any Civil Officer, except on regular Indent countersigned by the Commanding Officer. Upon receipt of the Indent the Civil Officer will inform the Commanding Officer of the rate of hire per diem for a hackery in the District and of the load a Cart is able to carry.

2. A Copy of the Route enumerating the halting places shall be sent to the Civil Officer at the same time with the Indent.

3. A Copy of the Indent and the Route shall immediately be forwarded by the Civil Authority to the Collector of the adjoining District, with enquiries whether he can furnish the Regiment with Carriage, and if so, at what Station. Copy of the Reply shall be forwarded to the Commanding Officer for his information.

4. Carriages to be hired to a convenient stage in the adjoining District, beyond which it is not to be taken unless the Collector of that District shall certify that a relief cannot be furnished.

5. The Civil Authorities are forbidden under any circumstances to furnish Carriage in excess of that entered in the second column of the Table contained in Government Order No. 964 of 1854.

6. Not less than fifteen days' notice shall be given to the Civil Authority before the day the Regiment is to march.

7. As Carriage cannot always be procured at a moment's notice, and as it is but equitable that the Owners thereof should be remunerated from the date from which it may be furnished, it is hereby directed that full hire shall be paid at the established rate of the District from the day on which the Carriage is procured by the Collector or other Officer.

8. The amount of hire incurred from the date the Carts are taken up by the Collector to the date on which they are made over to the Military Authorities shall be charged by the Collector in a bill vouched in the usual manner. The Military Auditor General shall pass the same, retrenching the proportion chargeable to the Regiment from the Pay Bill.

9. Whenever Carriage is engaged to any place half the hire must be paid in advance. The Civil Officer furnishing the Carriage will make this advance before making over the Carriage to the Military Authorities. The amount so disbursed shall be entered in a Bill, and dealt with as the amount of hire under the preceding Rule.

10. Back hire at half the fixed rates of the same number of stages returning is to be paid in every instance when Carriage is furnished by Civil Authorities.

11. Unless in cases of emergency, such as the breaking down of Carriage, death of Cattle, &c., Carriage is not to be exchanged except at the regular Stations along the Road.

12. The Commanding Officer of a Regiment or Detachment shall be held responsible for the full payment of the Carriage furnished on its reaching the destination agreed upon, as well as for securing to each Owner payment of full hire should any delay occur in the Regiment marching, of hire for halts and of back hire as prescribed in Rule 10.

13. A Purwannah shall be given to each Driver, signed by the Collector and sealed with his Office Seal. The Purwannah shall be in English, Hindustani and Bengali, and under it, the Driver shall be exempt from seizure during his return home to furnish Carriage for other Troops, unless they are marching in the direction in which his house may happen to be.

14. It shall be the duty of Commanding Officer to see that the maximum weight allowed in G. O. No. 961 of 1854 is never exceeded by any parties under his Command.

WHEREAS Hackery Driver, Inhabitant of Mouzah Pergunnah Zillah has been engaged to take a portion of the baggage of from to this Purwannah is given to him in accordance with the orders of the Governor General in Council under which he with his Cart and Bullocks is exempt from seizure on his way home to furnish Carriage for other Troops unless such Troops happen to be marching in the direction of his home. Dated the

مسمي گاڈی بان باشندہ موضع پرگنہ
متعلقہ ضلع کچہ اسباب ولوازمہ بابت
سپاہان پلٹن نمبر تحمل گاڈی اپنے بوجھائي کر مقام
سے مقام تک لیجاتا ہي نظر بران حسب الحکم قصا
شیم نواب مسطاب معلي القاب گورنر بہادر کونسل بہہ
پروانہ نامبردہ کو عطا کیا جاتا ہي واضح رہي کہ
بلحاظ حکم معظمہ صدر نامبردہ وگاڈي وبہلان اسکا
وقت مراجعت لیجانے سے اسباب سپاہان دوسرے
پلٹن کے محفوظ ومخلص رہیگا مگر لینے مین اسباب سپاہان
پلٹن کہ آنا نہونکا بطرف سکن گاڈی بان مذکورے
اتفاق ہوے عذر اسکا سنا نہین جاویگا فقط

حرر بریناریخ

জেলা সংক্রান্ত ঃ পরগনার
অন্তঃপাতি মৌজা সাকিনের শ্রী
গাড়িবান নং পল্টনের সিপাহীদিগের
আসবাব আদি আপন গাড়িতে বোঝাই করিয়া
মোকাম হইতে মোকাম পর্য্যন্ত
হইয়া যাইতেছে একারণ শ্রীল শ্রীযুক্ত গবর্ণর জেনেরেল বাহাদুর হুজুর কৌনসেলের হুকুমানুজাই
অত্র পরওয়ানা উক্ত গাড়িবানকে প্রদান করা
যাইতেছে প্রকাস থাকে যে ব্যাক্তিত হুকুমা-
নুসারে ঐ গাড়িবান ও তাহার গাড়ি ও গরু
প্রত্যাগমন কালিন অন্য পল্টনের সিপাহীদিগের
আসবাব বোঝাই লইয়া যাওনে অব্যাহতি পাই-
বেক কিন্তু ঐ গাড়িবানের বাসস্থলেরদিগে যদি
কোন পলটনের সিপাহীদিগের আগমন ঘটনা
হয় তাহারদিগের আসবাব লওনে ঐ গাড়িবানের
আপত্ত শ্রুত যোগ্য হইবেক না ইতি সন ১৮
ইঙ্গরেজি তারিখ

Collector.

No 146 *of* 1857.—The following Order, issued by the Officiating Resident at Hyderabad, is confirmed :—

No. 1, *dated* 2*nd January* 1857.—The Regimental Order by Captain Nightingale, Commanding 4th Cavalry Hyderabad Contingent, directing Lieutenant Fraser to act as 2nd in Command in addition to his duties as Adjutant, consequent on Lieutenant Grant taking command of the Regiment on Captain Nightingale's departure on Sick Certificate, is confirmed.

No. 147 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to direct that the following Rules be published for general information :—

1. All applications from Military Officers employed in the Department of Public Works for leave on whatever grounds to places in India, including preparatory leave for Furlough, are to be submitted, through the Head of the Local Civil Administration, to be dealt with in the Public Works Department only.

2. All applications from Military Officers employed in the Department of Public Works for leave to proceed to Sea, or on Furlough are, in the first place, to be laid before the Head of the Local Civil Administration. On receiving his sanction, the original application will be transmitted by him to the Adjutant General of the Army, or to his Deputy at the Presidency, and, on the approval of His Excellency the Commander-in-Chief, will be forwarded, through the Secretary to Government in the Military Department, for submission to the Governor General in Council, and will be finally disposed of in the Military Department.

3. In urgent cases or on Medical Certificate, the Deputy Adjutant General of the Army at the Presidency will be authorized, as heretofore, to submit applications of the above nature to the Supreme Government without first obtaining the sanction of the Commander-in-Chief when His Excellency may be absent from Calcutta.

4. In all cases in which applications for leave of the nature above specified have not been preceded by the grant of preparatory leave to visit the Presidency, it is further directed that the Head of the Local Administration, on transmitting such applications for leave with his approval in the manner above prescribed, shall, at the same time, cause an intimation to that effect to be forwarded to the Secretary to Government in the Public Works Department.

No. 148 *of* 1857.—With reference to Paras. 6 and 7 of Government General Order No. 577 of the 21st May 1855, the under-mentioned Officiating Sub-Conductors are permanently appointed to the Ordnance Commissariat Department, and promoted to the rank of Sub-Conductor from the dates specified opposite to their respective names :—

To be Sub-Conductors.

Offg. Sub-Condr.	J. Byrne,	21st December 1855.	
,,	T. H. Hill,		
,,	J. McDermot,		
,,	J. Nolan,		
,,	P. McDermot,		
,,	P. Mallon,	27th June 1856.	
Cancels his promotion in G.G.O. No. 1190 of 1856.	Sub-Conductor	W. Webb,	
Offg. Sub-Conductor	H. Shaw,		
,,	W. Skeaf,		
,,	J. Ford,		

No 149 *of* 1857.—The Regimental Order issued to the 3rd Regiment Punjab Cavalry, dated 20th October 1856, appointing J. S. Gell, Commandant of the Regiment, to conduct the duties of Adjutant in addition to his own, consequent on Captain Jones, 2nd in Command and Officiating Adjutant, having obtained two months' leave of absence, or until further orders, is confirmed.

No. 150 *of* 1857.—The under-mentioned Gentlemen are admitted to the Service in conformity with their appointment by the Hon'ble the Court of Directors as Assistant Surgeons on this Establishment :—

	Date of arrival at Fort William.
Medical Department.	
Mr Frederick Bushman ... } Mr. Henry Thomas Cary. }	22nd Jan. 1857.

No. 151 *of* 1857.—The following Extracts from the *London Gazette* of the 5th December 1856, are published for general information :—

War Department, 5th December 1856.

BREVET.

The under-mentioned promotions to take place in the East India Company's Army consequent on the death of Lieutenant General Richard West, Madras Infantry, on the 15th September 1856, and Major General William John Butterworth, C. B., Madras Infantry, on the 4th November 1856.

Major General Thomas Fiddes, Bengal Infantry, to be Lieutenant General, dated 13th September 1856.

To be Major Generals.

Colonel Robert Stewart, Bengal Infantry, dated 15th September 1856.

Colonel Edward Pettingall, Bengal Infantry, dated 4th November 1856.

The under-mentioned Officers of the East India Company's Service retired upon full pay to have a step of honorary rank as follows.—

To be Major General.

Colonel Edward Fitzgerald Day, Bengal Artillery, dated 5th December 1856

To be Colonels.

Lieutenant-Colonel Dacres Fitzherbert Evans, Bengal Infantry, dated 5th December 1856

Lieutenant-Colonel James Chicheley Plowden, Bengal Infantry, dated 5th December 1856.

Lieutenant-Colonel Edward Griffiths Austin, Bengal Artillery, dated 5th December 1856.

Lieutenant-Colonel Henry Foquett, Bengal Infantry, dated 5th December 1856

Lieutenant-Colonel Nathaniel Hill Fishe, Madras Artillery, dated 5th December 1856.

Lieutenant-Colonel Francis Kyan Duncan, Bengal Artillery, dated 5th December 1856.

Lieutenant-Colonel John Ramsay, Bombay Infantry, dated 5th December 1856.

Lieutenant-Colonel James Roger Western, Bengal Engineers, dated 5th December 1856

Lieutenant-Colonel Samuel Smith Trevor, Madras Artillery, dated 5th December 1856

Lieutenant Colonel William Charles Hicks, Bengal Infantry, dated 5th December 1856.

To be Lieutenant-Colonels.

Major William Carlisle Stather, Bombay Infantry, dated 5th December 1856

Major Herbert William Wood, Madras Infantry, dated 5th December 1856.

Major William Vernon Mitford, Bengal Light Cavalry, dated 5th December 1856.

Major Charles Elliott Goad, Bengal Infantry, dated 5th December 1856.

Major Charles Andrew Kitson, Bengal Cavalry, dated 5th December 1856

Major Patrick Ogilvie, Madras Infantry, dated 5th December 1856.

Major George Hickson Fagan, Bengal Engineers, dated 5th December 1856

Major David Edward Brewster, Bengal Infantry, dated 5th December 1856.

Erratum in the Gazette of 21st November 1856.

For, Major General Sir James Outram, K C. B, of the Bombay Army, to have the *local rank* of Lieutenant General in the East Indies, while employed upon a particular service dated 14th November 1856—

Read, Major General Sir James Outram, K. C. B., of the Bombay Army, to have the *temporary rank* of Lieutenant General while employed on a particular service, dated 14th November 1856.

Memorandum.

In pursuance of a Memorandum dated October 1854, the Queen has been pleased to confer upon Lieutenant and Brevet Captain Charles Thomas Edward Hinde, of the 65th Bengal Native Infantry and Lieutenant-Colonel in the Service of His Majesty the Sultan, the equivalent honorary rank of Lieutenant-Colonel, such honorary rank, however, to confer no privilege as a British Lieutenant-Colonel on that Officer, dated 5th December 1856.

No 152 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotion :—

Medical Department.

Assistant Surgeon Thomas Godfrey Heathcote to be Surgeon, from the 21st January 1857, *vice* Surgeon John Maciae, M. D, deceased.

No 153 *of* 1857.—The under-mentioned Officer, having completed 3 years' service in the Regimental rank of Lieutenant-Colonel, is promoted to the Rank of Colonel in the Army from the 2nd Instant, in conformity with Government General Order Nos. 366 of the 23rd March 1855, and 1164 of the 8th September 1856.

BREVET

To be Colonel in the Army.

Lieutenant Colonel Howland Roberts, of the Madras Infantry.

R J. H BIRCH, *Colonel,*

Secy to the Govt. of India,

in the Mily Dept.

Opium Notification.

NOTICE is hereby given, that the Second Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall on Tuesday, the 10th February 1857, at 11 A. M., and will comprize 3,655 Chests, *viz.* :—

	Chests.
Behar Opium, ...	2,540
Benares ditto, ...	1,115
Total Chests,...	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 16th and 25th February 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Monday, the 16th February 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Wednesday, the 25th February 1857.—

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1855-56 will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday, 13th March 1857,	2540	1115	3655
On or about Monday, 13th April ,,	2540	1115	3655
On or about Monday, 11th May ,,	2540	1115	3655
On or about Wednesday, 10th June,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday 10th August ,,	2540	1115	3655
On or about Friday, 4th September,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thursday, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2559	1141	3700
	25419	11176	36595

By order of the Board of Revenue,

C. S. BELLI,
Offg. Junior Secretary.

FORT WILLIAM,
The 24th January 1857.

Notice.

THE General Treasury will be closed on Friday, the 30th, and Saturday, the 31st Instant, on account of the Hindoo Holidays, Shree Punchomee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 20th January 1857.

Notification.

THE undersigned is requested to give notice, that the Madras Exhibition will be opened on Monday, the 16th of February 1857, and that articles for transmission to the Exhibition will be received at the Mint until the 5th of February 1857.

J. H. BELL,
Officiating Mint Master.

CALCUTTA MINT,
The 15th January 1857.

Abkaree Notification.

NOTICE is hereby given, with reference to Sections 6, 26, 32, 33, 34, 39, 80, 82, Act XXI. of 1856, that, with the sanction of Government, the Rules of the Abkaree Department, now in force, will continue to be enforced after the 1st February 1857, pending the preparation of revised Rules under the provisions of the said Act.

By order of the Board of Revenue,

C. S. BELLI,
Offg. Junior Secretary.

FORT WILLIAM,
The 14th January 1857.

SEALED TENDERS will be received by the Civil Architect, in his Office in Calcutta, No. 42, Park Street, up to 4 P. M. on Saturday, 31st January 1857, for the purchase and removal of the Materials belonging to the House in the Circular Road Burial Ground, occupied by the Overseer.

Time for Execution, two (2) months.

The Sketch of the Building can be seen, and further information obtained, on personal application at the Civil Architect's Office.

A deposit in Cash of Five Hundred (500) Rupees is required with each Tender, returnable on rejection of Tender, or after completion of Contract; or in the event of nonfulfilment within the stated time, to be at the disposal of the Civil Architect, to cover expenses in completing the removal of the Materials and Rubbish.

C. B. YOUNG, *Captain,*
Civil Architect.

To be peremptorily sold, pursuant to a decree of the Supreme Court of Judicature at Fort William in Bengal, bearing date the 8th day of February 1855, made in a certain Cause, wherein Aushootosh Day and the said Aushootosh Day and Sreemutty Nemoymonee Dossee and Sreemutty Sautoomoney Dossee, Executor and Executrixes of the last Will and Testament of Promothonauth Day, deceased, are Complainants, and Baumondoss Mookerjee, Dwarkanauth Mullick, Rakhaldoss Mullick, and Woomeschunder Paul Chowdry are Defendants, with the approbation of the Master of the said Court, at his Office in the Court House, on the 2nd day of February next, at 12 o'Clock in the noon, the following property, that is to say:—

Lot No. 1.—All that zemindary or talook called Chuklah Dhooliahpore and Dhee Kistopore, situate, lying, and being in the zillah of Nuddea, in the province of Bengal, the annual Government Revenue or sudder jumma whereof is Company's Rupees six thousand seven hundred and sixty one, fifteen annas and one pie.

Lot No. 2.—All those three several messuages, tenements, or dwelling-houses and several godowns and the piece or parcel of land whereon the same are erected and built, containing by estimation one biggah fourteen cottahs and nine chittacks, be the same a little more or less, situate, lying, and being in Clive Street, in the town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. Sarkies, on the West by the public road called Clive Street, on the South by the land and premises of Rammohun Mullick, and on the North by the house and premises of Arratoon Callis.

Lot No. 3.—All that messuage, tenement, or dwelling-house and the piece or parcel of land thereunto belonging, containing two cottahs and two chittacks, be the same a little more or less, situate, lying, and being in Hautkholah, in Calcutta aforesaid, and butted and bounded in manner following, (that is to say,) on the East by the house and premises of Berassore Nundy, on the West by the temple of Sree Sree Sedassory Thacoorany, belonging to Rajah Sibkisto Behadoor, on the South by a lane leading to the Nauth's Bagaun, and on the North by the house and premises of Ramchunder Day.

Lot No. 4.—All that zemindary or talook called Turruff Moonsufpore, situate, lying, and being in the zillah of Nuddea aforesaid, the annual Revenue or sudder jumma whereof payable to Government is Company's Rupees six thousand two hundred and sixty-four.

Lot No. 5.—All that zemindary or talook called Dhee Rajahpore, situate in the said zillah of Nuddea, the annual Government Revenue or sudder jumma whereof is Company's Rupees three thousand seven hundred and thirty-three, four annas and three pie.

Further particulars and conditions of sale may be had at the Master's Office, Supreme Court, or of Mr. Swinhoe, Attorney for the Complainants.

W. Macpherson,
Master.

P. J. Paul, *Attorney.*

Calcutta Supreme Court;
Master's Office,
The 7th day of January 1857.

Sheriff's Office, the 7th January 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Wednesday, the Fourth day of February next, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. Braddon,
Sheriff.

সরিফ আফিস ৭ জেনুআরি ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ৪ ফেবরুআরি বুধবার দুই প্রহরের সময় কলিকাতার ফোট উইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোট উইলএমের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেল্‌টী অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান যতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. Braddon,
Sheriff.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Nissim Isaac Abrahim, an Insolvent. } On Tuesday, the 20th day of January Instant, it was ordered that the petition of the said Insolvent, seeking the benefit of the Act XI Vic. cap. XXI., be dismissed.

Templeton and Carrapiet, *Attorneys.*

Chief Clerk's Office, 27th January 1857.

INSOLVENT COURT.

Assignee's Office Notice.

Pursuant to Act No. XXVII. of 1841.

NOTICE is hereby given, that in the event of no claim being established to the unclaimed Dividends hereunder mentioned within twelve months from this date, such Dividends will be distributed among such of the Creditors of the under-mentioned Insolvent Estates as shall have established their claims against such Estate respectively :—

Estate of Adam Scott and Co.

Names and Descriptions as contained in the Schedule of the parties in respect of whose claims dividends are reserved.	Amount of Claims as per Schedule.	Amount of the 3rd dividend @ 6 Rupees 6 Annas per cent.	Whether any proof shall have at any time been made of the debt whereby any dividend may have accrued.
	Co's Rs. As. P.		
Black, A, ...	109 0 7	6 15 2	Not proved.
Cramsie, Gunner A. I., deceased	92 1 0	5 13 10	Ditto.
Deare, Lieut. Col. G. H., Arty 21st Madras.... ...	35 8 5	2 4 3	Ditto.
Elderton, C. A.	5 15 4	0 6 1	Ditto.
Estate of F. N. French	1,037 7 0	66 2 2	Ditto.
Franks and Co.	444 10 1	28 5 6	Ditto.
Freese, A....	27 4 5	1 11 9	Ditto.
Hamilton Ross and Co.	432 10 9	27 9 4	Ditto.
Hunter, Major Genl. G.	24 5 8	1 8 10	Ditto.
Joykissen Ghose, a. c. R. L. Pearson	438 0 9	27 14 9	Proved.
Joykissen Ghose, deceased	261 12 0	16 11 0	Ditto.
Morrison and Co....	27 3 11	1 11 8	Not proved.
Nilcomul Ghose	550 0 0	35 1 0	Proved.
Owners of the "Issabella"	116 8 0	7 6 10	Not proved.
Owners of the "Esther"	105 11 6	6 11 10	Not proved.
Owners of the "Margaret Hardy"	96 3 8	6 2 1	Ditto.
Owners of the "Abbotsford"	905 2 10	57 11 3	Ditto.
Regheline, Major A.	165 3 4	10 8 6	Ditto.
Solarole Paul	8,215 0 8	523 11 9	Proved.
Skinner and Co.	41 6 2	2 10 2	Not proved.
Thurburn and Co.	372 7 4	23 11 11	Proved.
Tournear, C.	641 11 1	40 14 6	Not proved.
Warre Brothers	555 0 1	35 6 1	Proved.
Williams, Lieut. N. I.	297 8 4	18 15 5	Not proved.
Williams, Major General E. K., ...	47 13 7	3 0 9	Ditto.
Wardrop and Co., Buchanan and Co., and J. S. Wood	105 7 5	6 11 6	Ditto.

John Cochrane.

Official Assignee.

Calcutta, 24th January 1857.

Notice.

It is hereby notified for general information, that all Bills and Receipts connected with the Military Orphan Press will, from the 18th December 1856, be signed and collected by the Superintendent of the Press, Mr. A. G. Roussac.

By order of the General Management of the Military Orphan Society,

J. O. Beckett,
Secretary, M. O. S.

Kidderpore,
The 14th January 1857.

Notice.

The interest and responsibility of Mr. Alexander Wallace ceased in our firm on the 10th December 1856.

(Signed) Henderson Wallace & Co.

Report showing the smallest Depth of Water in the Bhaugiruttee, Jellinghee, and Matabangah Rivers, on the 15th January 1857.

Names of Rivers.	*Smallest Depth of Water.* F.	I.	*Where Shallowest.*
Bhaugiruttee River *			
At its entrance, ...	9	3	
Below the entrance,...	4	2	
From thence to Jungypore, ...	0	4	At Futtaypore.
	0	4	„ Autpulgachee.
From Jungypore to Sadduckbaugh,..	1	2	„ Sampore.
	1	2	„ Rajarampore.
From Sadduckbaugh to Berhampore, ...	2	3	Below Ahmanecgunge.
	2	6	„ Pattanparrah.
	2	0	Above Kheederpore.
From Berhampore to Cutwa, ...	2	6	„ Muhoolah.
	2	9	At Jalaulpore.
	2	2	„ Mowlacolly.
	2	6	„ Nugghur.
	2	2	„ Ramnugghur.
	2	1	Above Kalleegunge
	2	6	At Kaydeetee.
And from Cutwa to Nuddea, ...	2	6	„ Kobeerajepore.
	2	6	„ Khosaulpore.
	2	9	Below Dadoopore.
	3	3	At Edrackpore.
Jellinghee River.			
At its entrance, ..	0	0	Closed.
From thence to Bausmarree, ...	0	0	
From Bausmarree to Teeahkattah,	0	2	At Koobleah.
From Teeahkattah to Sonatullah,...	1	4	„ Radhanugghur.
And from Sonatullah to Moisgunge,	2	0	„ Sonatullah.
Matabangah River †			
At its entrance, ...	5	6	
From thence to Haut Boleah, ...	3	0	Below the Entrance.
	3	0	At Gowalgang.
	5	3	„ Boleah Entrance.
From Haut Boleah to Katchikattah, ...	2	4	„ Moorbangah.
	2	0	„ Bhaugberriah.
	2	3	„ Asmancolly.
	2	5	Above Ramnugghur.
	1	9	At Foolbogadhee.
From Katchikattah to Kishengunge,	1	10	„ Gwalbattee
	2	8	„ Sonatunpore.
	2	6	„ Shealmarree.
	2	0	„ Howlee.
	3	0	„ Sooltanpore.
	3	6	„ Bachamarree.
And from Kishengunge to Seebpore,	2	8	„ Hurdum.

Height of water on Gauge at Berhampore, on the 15th January 1857, + 2 Feet 2½ Inches

H. T. FORBES, *Lieut.*,
Supdt., Nuddea Rivers.

On the Matabangah River,
The 16th January 1857.

* Since last Report, the Channel of this River, below Ahmanecgunge, has been deepened by the construction of Bandahls, from 1' 9" to 2' 3", below Pattanparrah from 1' 9" to 2' 6", above Mohoolah from 2' to 2' 6", at Jalaulpore from 2' to 2' 9" at Mowlacolly from 1' 9" to 2' 2" at Nugghur from 1' 9" to 2' 6", at Ramnugghur from 1' 6" to 2' 2", above Kalleegunge from 1' 9" to 2' 1" at Kaydeetee from 1' 10" to 2' 6", at Kobeerajpore from 2' to 2' 6" at Khosaulpore from 2' to 2' 6", below Dadoopore from 2' 3" to 2' 9", and at Edrackpore from 2' 6" to 3' 3".

† Since last Report, the Channel of this River, at Asmancolly, has been deepened by the Construction of Bandahls from 1' 11" to 2" 3", above Ramnugghur from 1' 6" to 2' 5", at Sonatunpore from 2'; 2" to 2' 8", at Shealmarree from 2 to 2' 6", at Sooltanpore from 2' 9" to 3' 6", and at Bachamarree from 2' 6" to 3' 6".

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,

No. 2, Council House Street,
Calcutta, 30th January 1855. } *Secretary.*

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

THE heirs of the late Mr. Christian Graf, having this day relinquished their interest in the firm of GRAF and BANZIGER, the business will henceforth be carried on by me under the same firm and on my sole account.

WM. KRAHNSTÖVER.

Calcutta, 1st January 1857.

No. 43.

East Indian Railway.

POOJAH HOLIDAYS ON 30TH AND 31ST JANUARY.

Notice is hereby given, that Special Trains will be run on the above-mentioned days at the hours noted below—

From		A. M.	*From*		A. M.
Howrah, ..	Departure	10-20	Pundoah, ...	Departure	4-0
Bally, ...	Arrival	10-38	Mugra, ...	Arrival	4-28
Connaghur, ..	„	10-50	Hooghly, ..	„	4-45
Serampore, ..	„	11-2	Chandernagore, ...	„	4-57
Bidabatty, ..	„	11-16	Bidabatty, ..	„	5-14
Chandernagore, ..	„	11-33	erampore, ...	„	5-28
Hooghly, ...	„	11-45	Connaghur, ...	„	5-40
		P. M.			
Mugra, ...	„	12-2	Bally, ...	„	5-52
Pundoah, ...	„	12-30	Howrah, ...	„	6-10

The 5-40 Train on the 29th and 30th will run on to Burdwan, returning the following morning at the same hours as on Saturday and Monday.

LINGARD STOKES,

A. BOYLE,

Acting Agents.

EAST INDIAN RAILWAY CO.,
Calcutta, 16th Jan., 1857.

LOST.—The Government Promissory Notes No. 4167, of the 5 per Cent. Public Works Loan, dated the 12th day of March 1855, for Company's Rupees 5,000, originally standing in the name of the Oriental Bank Corporation, and No. 1560 of 20206, of the 6th 4 per Cent. Loan, dated 30th June 1854, for Company's Rupees 1,000, originally standing in the name of Gungagobind Shaha, both of which Notes were lost, endorsed by the proprietor, Captain R. D. C. Bruce, now of Her Majesty's 82nd Regiment of Foot, to J. J. Bailey, Esquire, Ensign in Her Majesty's 29th Regiment of Foot, by whom they were never endorsed to any other person. Payment of the above Notes and of interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the proprietor.

PAUL & CARRUTHERS,

Solicitors for Captain Bruce.

CALCUTTA;
8, *Hastings' Street,*
The 24th November 1856.

LOST.—An unindorsed Bank of Bengal Sola Bill, No. 679, dated 24th December 1856, for Company's Rupees 10,000, payable to me or order, payment of which has been stopped at the Bank. Whoever will bring the same at No. 8 Lyon's Range, will be rewarded by Ramdhone Ghose.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

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An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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DOMESTIC OCCURRENCES FOR DITTO.
ADVERTISEMENTS.

SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notifications.

It is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office, between Monday the 19th January 1857, and Sunday the 25th January 1857, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified:—

Letters received on dates, from and to	*By what Ship despatched.*	*Bound to*	*Remarks.*
19th to 21st Jan. 1857 ...	Hotspur	Cape and London	Left town on the 22nd Jan. 1857.
19th to 24th ditto ...	Steamer Manchester.	Rangoon and Moulmein ..	Ditto on the 25th ditto.
19th to 24th ditto .	Steamer Fiery Cross	Singapore and China	Ditto on the 25th ditto.
19th to 24th ditto ..	Steamer Lightning..	Penang	Ditto on the 25th ditto.
19th to 25th ditto ..	William Aswald ...	Sydney	Will sail in a day or two.

CALCUTTA;
General Post Office,
The 27th January 1857.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA:—Printed and Published by JOHN GRAY, *at the* "CALCUTTA GAZETTE" OFFICE, *No.* 5½, *Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, JANUARY 28, 1857.

Legislative Council.

The 10th January 1857.

THE following Bill was read a second time in the Legislative Council on the 3rd January 1857, and was referred to a Select Committee, who are to report thereon after the 21st of April next :—

THE INDIAN PENAL CODE.

Chapter I.

Preamble.

WHEREAS it is expedient to provide a General Penal Code for the Territories in the possession and under the Government of the East India Company ; It is enacted as follows :—

Title of the Code.

1. This Act shall be called THE INDIAN PENAL CODE, and shall take effect from the day of throughout the whole of the Territories for the time being in the possession and under the Government of the East India Company.

Punishment of offences committed within the Indian Territories.

2. Every person shall be liable to punishment under this Code for every act or omission contrary to the provisions thereof, of which he shall be guilty within the said Territories after the said day of*

Punishment of offences committed beyond, but which by law may be tried within the territories.

3. Any person liable, by any law in force for the time being, to be tried within the said territories, for an offence committed beyond the limits thereof, shall be subject to punishment according to the provisions of this Code. *

Punishment of offences committed by a servant of the East India Company within a foreign allied State.

4. Every servant of the East India Company shall be subject to punishment under this Code, for every act or omission contrary to the provisions thereof, of which he shall be guilty within the dominions of any Prince or State in alliance with the East India Company whilst in such service and after the said day of

Offences committed beyond the Indian Territories.

5. Except as provided by Clauses 3 and 4 of this Chapter, no person shall be subject to punishment under this Code for any act or omission of which he shall be guilty beyond the limits of the said Territories.

Certain laws not to be affected by this Act.

6. Nothing in this Act is intended to repeal, vary, suspend, or affect any of the provisions of the Statute 3 and 4 W. IV, c. 85, or of any Act of Parliament passed after that Statute in any wise affecting the East India Company, or the said territories, or the inhabitants thereof ; or any of the provisions of any Act for punishing mutiny and desertion of Officers and Soldiers, whether in the service of Her Majesty or of the East India Company, or of any Act for the Government of the Indian Navy, or of any special or local law.

* With reference to offences committed on the high seas, it is enacted by 18 and 19 Vic. c. 91. s. 21, as follows :—"If any person being a *British* subject, charged with having committed any crime or offence on board any *British* ship on the high seas, or in any foreign Port or Harbour, or if any person, not being a *British* subject, charged with having committed any crime or offence on board any *British* ship on the high seas, is found within the jurisdiction of any Court of Justice in Her Majesty's Dominions, which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such Court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits. Provided that nothing contained in this Section shall be construed to alter or interfere with the Act of the 13th year of Her present Majesty, chap 96."

* See 26 Geo. III. c 57 s. 29.—33 Geo. III. c 52 s. 67.—Act No. I. of 1849.

Chapter II.

GENERAL EXPLANATIONS.

Definitions in the Code to be understood subject to exceptions.

1. Throughout this Code every definition of an offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions," though those exceptions are not repeated in such definition, penal provision, or illustration.

Illustrations.

(a) The Clauses in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a Police Officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z: and therefore the case falls within Clause 1 of Chapter IV, which provides that "nothing is an offence which is done by a person who is bound by law to do it."

Expression once explained to be understood in the same sense throughout the Code.

2. Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

Expression once defined to be understood throughout the Code as so defined.

3. Every expression which is defined in any part of this Code, is used in every part of this Code in conformity with the definition and in no other sense.

Gender.

4. The pronoun "he" and its derivatives are used of any person, whether male or female.

Number.

5. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

"Man."

6. The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of any age.

"Person."

7. The word "person" includes any Company or Association, or body of persons, whether incorporated or not.

"Public."

8. The word "public" includes any class of the public or any community.

Illustration.

An injury done to the villagers of a particular village is a public injury.

"Queen."

9. The word "Queen" denotes the Sovereign for the time being of the United Kingdom of Great Britain and Ireland.

"British India."

10. The words "British India" denote the Territories in the possession and under the Government of the East India Company.

"Government of India."

11. The words "Government of India" denote the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, as regards the powers which may be lawfully exercised by them or him respectively.

"Government."

12. The word "Government" denotes the person or persons authorized by law to administer Executive Government.

"Presidency."

13. The word "Presidency" denotes all the territories subject to the Government of a Presidency.

"Lieutenant-Governorship."

14. The word "Lieutenant-Governorship" denotes all the territories subject to a Lieutenant-Governor.

"Judge."

15. The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations.

(a) A Collector exercising jurisdiction in a Summary Suit under Regulation VIII of 1831 of the Bengal Code, is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(c) A Member of a Punchayet which has power, under Regulation VII of 1816 of the Madras Code, to try and determine suits, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

"Court of Justice."

16. The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

Illustration.

A Punchayet acting under Regulation VII of 1816 of the Madras Code, having power to try and determine suits, is a Court of Justice.

"Public Servant."

17. The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely—

First. Every covenanted servant of the East India Company;

Second. Every commissioned officer, Military or Naval, in the service of the East India Company;

Third. Every commissioned officer of the Queen's army, while serving under the Government of India;

Fourth. Every Judge;

Fifth. Every Officer of a Court of Justice whose duty it is, or who is specially authorized, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court;

Sixth. Every Juryman, assessor, or member of a Punchayet assisting a Court of Justice;

Seventh. Every Arbitrator or other person to whom any cause or matter has been referred by any Court of Justice, or by any other competent public authority;

Eighth. Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Ninth. Every Officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety, or convenience;

Tenth. Every officer whose duty it is, as such officer, to take, receive, keep, or expend any pro-

perty on behalf of Government, or to make any survey, assessment, or contract, on behalf of Government, or to execute any revenue process, or to investigate, or to report, on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government; and every officer appointed by, or in the service or pay of Government;

Eleventh. Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property, or to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town, or district, or to make, authenticate, or keep any document for the ascertaining of the rights of the people of any village, town, or district;

Illustration.

A Municipal Commissioner is a public servant.

Explanation 1. Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2. Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

"Moveable property."

18. The words "moveable property" are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to any thing which is attached to the earth.

"Wrongful gain."

19. "Wrongful gain" is gain, by unlawful means, of property to which the person gaining is not legally entitled.

"Wrongful loss."

"Wrongful loss" is the loss, by unlawful means, of property to which the person losing it is legally entitled.

Wrongful retention.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

Wrongful detention.

"Fraudulently."

20. Whoever does any thing with the intention of causing wrongful gain to one person or wrongful loss or risk of wrongful loss to another person, is said to do that thing "fraudulently."

Property in possession of wife, clerk, or servant.

21. When property is in the possession of a person's wife, clerk, or servant, in trust for that person, it is in that person's possession; and not in the possession of his wife, clerk, or servant within the meaning of this Code.

Explanation. A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this Clause.

"Counterfeit."

22. A person is said to "counterfeit," who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation. It is not essential to counterfeiting that the imitation should be exact.

"Document."

23. The word "document" denotes any matter expressed or described upon any substance by means of letters, figures, or marks, or by one or more of those means, intended to be used, or which may be used, as evidence of that matter.

Explanations 1. It is immaterial by what means or upon what substance the letters, figures, or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

Illustrations.

A writing expressing the terms of a contract may be used as evidence of the contract. It is therefore a document.

A Cheque upon a Banker is a document.

A Power of Attorney is a document.

A Map or Plan is a document.

A writing containing directions or instructions is a document.

Explanation 2. Whatever is expressed by means of letters, figures, or marks as explained by Mercantile or other usage, shall be deemed to be expressed by such letters, figures, or marks within the meaning of this Clause, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a Bill of Exchange payable to his order. The meaning of the endorsement, as explained by Mercantile usage, is that the Bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

"Valuable security."

24. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a Bill of Exchange. As the effect of this endorsement is to transfer the right to the Bill to any person who may become the lawful holder of it, the endorsement is a "valuable security."

"A Will."

25. The words "a will" denote any testamentary document.

Words referring to acts to include illegal omissions.

26. In every part of this Code except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

Act, whether done directly or indirectly, is equally an offence.

27. Whenever the doing of any particular thing is an offence, it is an offence to do that thing either directly or indirectly.

"Act."
"Omission."

28. The word "act" denotes as well a series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

Effect caused partly by act, and partly by omission.

29. Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration.

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

"Voluntarily."

30. A person is said to cause an effect "voluntarily," when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration.

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act: yet, if he knew that he was likely to cause death, he has caused death voluntarily.

"Offence." 31. The word "offence" denotes a thing made punishable by this Code.

"Special law." 32. A "special law" is a law applicable to a particular subject.

"Local law." 33. A "local law" is a law applicable only to a particular part of British India.

"Illegal." 34. The word "illegal" is applicable to every thing which is an offence, or which is contrary to any direction of the law, or which furnishes ground for a civil action: and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

"Injury." 35. The word "injury" denotes any harm whatever illegally caused to any person in body, mind, reputation, or property.

"Life." 36. The word "life" denotes the life of a human being, unless the contrary appears from the context.

"Death." 37. The word "death" denotes the death of a human being, unless the contrary appears from the context.

"Animal." 38. The word "animal" denotes any living creature, other than a human being.

"Vessel." 39. The word "vessel" denotes any thing made for the conveyance by water of human beings, or of property.

"Year." 40. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British Calendar.

"Clause." 41. The word "Clause" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

"Herein-before." "Herein-after." 42. The word "herein-before" and the word "herein-after" relate to matter contained within the same Clause in which these words occur.

"Oath." 43. The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant or to be used for the purpose of proof, whether in a Court of Justice or not.

Definition not to be limited by the title of the Chapter containing it. 44. Nothing which falls within any definition of an offence shall be construed as not being an offence, because it does not fall within the title of the Chapter containing that definition.

"Good faith." 45. Nothing is said to be done or believed in good faith, which is done or believed without due care and attention.

Chapter III.

OF PUNISHMENTS.

Punishments. 1. The punishments to which offenders are liable under the provisions of this Code are,

First,—Death;

Secondly,—Transportation;*

Thirdly,—Imprisonment, which is of two descriptions, namely:

(1.) Rigorous, that is, with hard labor;

(2.) Simple.

Fourthly.—Banishment from the territories in the possession and under the Government of the East India Company;

Fifthly,—Forfeiture of property;

Sixthly,—Fine.

Commutation of sentence of death. 2. In every case in which sentence of death shall have been passed, the Government of India or the local Government of the place within which the offender shall have been sentenced may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

Commutation of sentence of transportation for life. 3. In every case in which sentence of transportation for life has been passed, the Government of India or the local Government of the place within which the offender has been sentenced may, without the consent of the offender, commute the punishment for imprisonment of either description which may extend to fourteen years, or for banishment from the territories in the possession and under the Government of the East India Company, which may be for life, or for any term.

Remission of punishment. 4. In every case the Government of India or the local Government of the place within which an offender has been sentenced may, at any time, remit the whole or any part of the punishment, without conditions, or upon any conditions to which the offender has agreed.

Sentence of imprisonment, rigorous or simple. 5. In every case in which it is provided that an offender shall be punished with imprisonment of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

Sentence of forfeiture of property. 6. In every case in which an offender is sentenced to forfeiture of all property, the sentence renders that offender incapable of acquiring any property except for the benefit of the Government.

Illustration.

A, for waging war against the Government of India, is sentenced to forfeiture of all his property. After the sentence A's father dies, leaving an estate which, but for the sentence of forfeiture, would become the property of A. The estate becomes the property of Government.

Amount of fine. 7. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited.

Sentence of imprisonment in default of payment of fine. 8. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced, or to which he may be liable under a commutation of a sentence.

* As to cases in which penal servitude must be substituted for transportation, see Act XXIV of 1856.

9. The term for which the Court directs the offender to be imprisoned, in default of payment of a fine, shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

Limit of term of imprisonment for default in payment of fine, when the offence is punishable with imprisonment, as well as fine.

10. The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

Description of imprisonment for such default.

11. If the offence be punishable with fine only, the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case.

Term of imprisonment for default in payment of fine, when the offence is punishable with fine only.

12. The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

Such imprisonment to terminate upon payment of the fine.

13. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Termination of such imprisonment upon payment of proportional part of fine.

Illustration.

A is sentenced to a fine of one hundred Rupees, and to four months' imprisonment in default of payment. Here, if seventy-five Rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five Rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty Rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty Rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

14. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.

Fine may be levied within 6 years or at any time during the term of imprisonment.

Death of offender not to discharge his property from liability.

15. Whenever any person, by doing any thing whereby he commits an offence falling under one penal provision of this Code, also commits an offence under another penal provision of this Code, the punishment shall not be cumulative, unless it be so expressly provided.

Punishment of offence falling under more than one penal provision of Code not to be cumulative unless expressly so provided.

Illustration.

A strikes Z with violence knowing it to be likely that he may thereby break Z's arm, and does break Z's arm. Here A commits an assault. He also by the same act commits the offence of voluntarily causing grievous hurt. But A is not liable to punishment both for assault, and for voluntarily causing grievous hurt.

16. Where it is provided that punishment shall be cumulative, that provision does not authorize the combining, in any case, of the punishments provided by more than two penal provisions of this Code.

Provision for cumulative punishment does not authorize a combination of punishments.

17. Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the imprisonment for more than one of such his offences, unless it be so expressly provided.

Limit of punishment of offence which is made up of several offences.

Illustrations.

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating, that is to say, to imprisonment for a term not exceeding one year, if the hurt which he has voluntarily caused is not grievous; and for a term not exceeding ten years, if the hurt which he has voluntarily caused is grievous.

(b) But if, while A is beating Z, Y interferes, and A strikes Y. here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

18. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

Punishment of a person found guilty of one of several offences, (the judgment stating that it is doubtful of which.)

19. Whenever any person is convicted of an offence punishable under this Code with imprisonment of either description, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding six months in the whole or one month at a time, or three months in any one year.

Solitary confinement.

20. Whenever any person, convicted of any offence punishable under this Code with imprisonment of either description for a term of five years or upwards, shall have been previously convicted, whether before or after the passing of this Code, of any offence for which by the law then in force he was liable to imprisonment for a term of five years or upwards, he shall be subject to transportation for life or to double the amount of punishment to which he would otherwise have been liable; provided that he shall not in any case be liable to imprisonment for a term exceeding fourteen years.

Punishment of person convicted, after a previous conviction, of an offence punishable with five years' imprisonment.

Chapter IV.

GENERAL EXCEPTIONS.

1. Nothing is an offence which is done by a person who is or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be bound by law to do it.

Act done by a person bound, or by mistake of fact believing himself bound by law.

Illustrations.

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due inquiry, believing Z to be Y, arrests Z. A has committed no offence.

Act of Judge when acting judicially.

2. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be given to him by law.

Act done by a person justified, or by mistake of fact believing himself justified by law.

3. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law, in good faith, believes himself to be justified by law in doing it.

Illustration.

A sees Z commit what appears to A to be a murder A, in the exercise, to the best of his judgment, exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self defence.

Accident in the doing of a lawful act.

4. Nothing is an offence which is done by accident or misfortune and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration.

A is at a work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

Act likely to cause harm but done without a criminal intent and to prevent other harm.

5. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation.—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations

(a) A, the Captain of a Steam Vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B with 20 or 30 passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only 2 passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in running the risk of running down C.

(b) A in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention and good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

Act done pursuant to the judgment or order of a Court of Justice.

6. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court of Justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act, in good faith, believes that the Court had such jurisdiction.

Act of a child under 7 years of age.

7. Nothing is an offence which is done by a child under seven years of age.

Act of a child above 7 and under 12 years of age who has not sufficient maturity of understanding.

8. Nothing is an offence which is done by child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

Act of a person of unsound mind.

9. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law.

Act of a person incapable of judgment by reason of intoxication caused against his will.

10. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

A particular intent when part of an offence, may be presumed when the offender is intoxicated, unless he has been made so against his will.

11. In cases where an act done is not an offence unless done with a particular knowledge or intent, the same presumption of knowledge or intent shall be made against a person doing the act in a state of intoxication, as would have been made if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Act not intended and not known to be likely to cause death or grievous hurt done by consent

12. Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death, or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration.

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

Act not intended to cause death done by consent in good faith for the benefit of a person.

13. Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration.

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

Act done in good faith for the benefit of a child or person of unsound mind by or by consent of guardian.

14. Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent of the guardian or other person having lawful charge of that person, is an offence by reason

of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person : Provided—

Provisoes.

First. That this exception shall not extend to the intentional causing of death, or to the attempting to cause death :

Secondly. That this exception shall not extend to the doing of any thing which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt ; or the curing of any grievous disease or infirmity.

Thirdly. That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity.

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(a) A, a parent, whips his child moderately, for the child's benefit. A is within the exception, and therefore has committed no offence.

(b) A, in good faith, for his daughter's benefit, intentionally kills her to prevent her from falling into the hands of Pindarries. A is not within the exception, and is therefore guilty of an offence.

(c) A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

15. A consent is not such a consent as is intended by Clauses 12, 13, and 14 of this Chapter, or any other Clause of this Code, if the consent is given by a person under fear of injury or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception—Or

Consent known to be given under fear or misconception.

If the consent is given by a person who is under seven years of age, or who, from immaturity of understanding, unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent.

Consent of a child or person of unsound mind.

16. The exceptions in Clauses 12, 13, and 14, of this Chapter, do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in Clauses 12, 13, and 14.

Illustration.

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of harm which it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm;" and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

17. Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit. Provided—

Act done in good faith for the benefit of a person without consent.

Provisoes.

First. That this exception shall not extend to the intentional causing of death, or attempting to cause death.

Secondly. That this exception shall not extend to the doing of any thing which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

Thirdly. That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt.

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(a.) Z is thrown from his horse, and is insensible. A a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.—Mere pecuniary benefit is not benefit within the meaning of Clauses 13, 14, and 17.

18. No communication made in good faith is an offence by reason of any harm to the person to whom it is made.

Communication made in good faith.

Illustration.

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

19. Excepting murder and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence ; provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Act to which a person is compelled by threats.

Explanation 1.—A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, or a crew of pirates, or the like, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do any thing that is an offence by law.

Explanation 2.—A person who embarks ignorantly in a piratical vessel, being compelled by the crew, by threat of instant death, to join in an

act of piracy, is entitled to the benefit of the exception.

Explanation 3.—So also is a person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it.

Act causing slight harm.

20. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Of the Right of Private Defence.

Act done in private defence.

21. Nothing is an offence which is done in the exercise of the right of private defence.

Right of private defence.

22. Every person has a right, subject to the restrictions contained in Clause 24, to defend:

First His own body, and the body of any other person, against an assault.

Secondly. The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief, or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass.

Right of private defence against the act of a person of unsound mind, &c.

23. When an act which would otherwise be a certain offence, is not that offence by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations.

(a) Z, under the influence of madness, attempts to kill A. Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were acting under no misconception.

Acts against which there is no right of private defence.

24. There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Extent to which the right may be exercised.

The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority.

When the right of private defence of the body extends to causing death.

25. The right of private defence of the body extends, under the restrictions mentioned in the last preceding Clause, to the voluntary causing of death or of any other harm to the assailant, if the assault which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely.

First Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault.

Secondly. Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault.

Thirdly. An assault with the intention of committing rape.

Fourthly. An assault with the intention of gratifying unnatural lust.

Fifthly. An assault with the intention of kidnapping.

Sixthly. An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

When such right extends to causing any harm other than death.

26. If the assault be not of any of the descriptions enumerated in the last preceding Clause, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in Clause 24, to the voluntary causing to the assailant of any harm other than death.

Commencement and continuance of the right of private defence of the body.

27. The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body commences, though no assault may have been committed; and it continues as long as such apprehension of danger to the body continues.

When the right of private defence of property extends to causing death.

28. The right of private defence of property extends, under the restrictions mentioned in Clause 24, to the voluntary causing of death or of any other harm to the wrongdoer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely:

First. Robbery.

Secondly. House-breaking by night, or lurking house-trespass by night.

Thirdly. Mischief by fire committed on any building, tent, or vessel, which building, tent, or vessel is used as a human dwelling, or as a place for the custody of property.

Fourthly. Theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

When such right extends to causing any harm other than death.

29. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding Clause, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in Clause 24, to the voluntary causing to the wrong-doer of any harm other than death.

Commencement and continuance of the right of private defence of property.

30. The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

The right of private defence of property against theft or robbery continues till either the assistance of the public authorities can be obtained, or the property has been recovered.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief, or as long as a reasonable ground of apprehension of danger to the property continues.

The right of private defence of property against house-breaking by night, or lurking house-trespass by night, continues as long as the house-trespass, which has been begun by such house-breaking or lurking house-trespass, continues.

Right of private defence against a deadly assault when there is risk of harm to an innocent person.

31. If, in exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration.

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

Chapter V.

OF PRINCIPALS AND ABETTORS.

Principal.

1. A person is a principal in an offence who, either singly or jointly with any other person, actually commits that offence, or who abets* the commission thereof, and is present when the act abetted is committed, and is capable of taking a part therein.

Illustrations.

(a) A and B waylay Z and murder him to death by beating him, each of them giving him several blows. A and B are principals in the murder, for they both join in actually committing it.

(b) A, being in the presence of B and Z, instigates B to murder Z. B, in consequence of such instigation, murders Z in A's presence. Here, as A is present when the murder is committed and abets by instigation that murder, A and B are principals in the murder.

(c) A and B conspire to murder Z. A, in pursuance of that conspiracy, stabs Z and thereby murders him in B's presence. Here, as B abets by conspiracy the murder committed in his presence, both B and A are principals.

(d) A and B agree to murder Z. A binds Z to a tree, and B then, in A's presence, stabs him with a sword. Here A abets by aid the murder of Z, and as that murder is committed in his presence, both A and B are principals.

(e) A abets B to give false evidence in a Court of Justice B, in consequence of A's instigation, gives false evidence. Here, notwithstanding A may be present in Court when the false evidence is given, he is not a principal, but only an abettor, inasmuch as he was not capable of taking a part in B's act of giving evidence.

Explanation 1.—When the act is committed in consequence of the abetment, it is not necessary, in order to render the abettor liable, that the person committing the act should be capable by law of committing an offence, or that he should commit the act with the same guilty intention or knowledge as that of the abettor, or with any guilty knowledge or intention.

Illustrations.

(a) A, having such an intention as would render the killing of Z murder if A committed the act himself, instigates B, a madman, to commit that act. B, in consequence of such instigation, kills Z in A's presence. Here, A abets the offence of murder (see Clause 4); and as the act abetted was committed by B in his presence, A is a principal in the murder, though B was not guilty of any offence.

(b) A, a prisoner confined in a cell in Jail, instigates B, a prisoner who is outside the cell, to murder Z, the Jailor. B commits the offence in consequence of the instigation. Here, if A was not capable of taking part in the act in consequence of his confinement, he is not a principal, but only an abettor.

Explanation 2.—Where there are several principals, in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration.

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide. B, having ill-will towards Z, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both principals in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

Principal by doing one of several acts constituting an offence.

2. When an offence is committed by means of several acts, whoever voluntarily co-operates in the commission of that offence by actually doing any one of those acts either singly or jointly with any other person, or by abetting such act and being present when it is done, and capable of taking a part therein, is a principal in the offence.

Illustrations.

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement. Z dies from the effects of the several doses of poison so administered to him. Here A and B voluntarily co-operate in the commission of murder, and as each of them does an act by which the death is caused, they are both principals, though their acts are separate.

(b) A and B are joint Jailors, and as such, have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food. Z dies of hunger. Both A and B are principals in the murder of Z.

(c) A, a Jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

Explanation 1.—A person is said to be present within the meaning of the Clauses 1 and 2 of this Chapter who is near enough to render assistance to the person who does the act.

Explanation 2.—When the causing of a particular effect is necessary to constitute an offence, a person may be a principal in the commission of the offence, although not present when the effect is caused.

Illustrations.

(a) A lays poison for the purpose of poisoning Z. Z takes the poison and dies in consequence in the absence of A. A is

* As to what amounts to abetment of an offence—See Clause 4 and Explanations.

a principal in the murder of Z, notwithstanding he was not present when the poison was taken, or the murder was consummated by Z's death.

(b) A instigates B to lay poison with the intention of poisoning Z, and is present when B lays it with that intent. Z, in the absence of A and B, takes the poison and dies in consequence. A and B are both principals in the murder of Z, though they were both absent when the effect was caused.

Abetment.

3. A person abets the doing of a thing, who,

First.—Instigates any person to do that thing, or

Secondly.—Engages in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing, or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person is said to instigate the doing of a thing who, by wilful misrepresentation or by wilful concealment of a material fact which he is bound to disclose, or otherwise, voluntarily causes or procures, or attempts to cause or procure, that thing to be done.

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, prior to or at the time of the commission of an act, does any thing in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abettor.

4. A person is said to abet an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the intention or knowledge of the abettor.

Explanation 1.—A person may be guilty of abetting an offence by abetting the illegal omission of an act, by a person legally bound to do the act, although he may not himself be legally bound to do that act.

Illustration.

A instigates B to take a horse out of Z's possession, knowing that the horse belongs to Z and intending that B shall steal the horse. Here A abets the offence of theft, for he with the intention and knowledge which is necessary to constitute the taking a theft, abets that taking.

Explanation 2.—A person may be guilty of abetting an offence, although the act abetted be not committed; or the effect necessary to constitute the offence be not caused. In such case he will be punishable under Clauses 12 and 13 of this Chapter.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustration.

A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence. If the act be committed, he is punishable under Clause 5 of this Chapter; if the act be not committed, he is punishable under Clause 12 or 13 of this Chapter.

Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment.

5. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence, although he may not be a principal.

Illustrations.

(a) A offers a bribe to B, a public servant. B accepts the bribe. A has abetted the offence defined under Clause 1 Chapter IX.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Explanation 1.—It is not necessary that the person committing the act should be capable by law of committing an offence, or that he should commit the act with the same intention or knowledge as that of the abettor, or that by committing the act he should be guilty of any offence.

Illustrations.

(a) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death. If, in such a case, B does the act in the presence of A, A is a principal.

(b) A, with the intention of causing Z's property to be taken, fraudulently instigates B, a child under seven years of age, to take that property in a way which, in a grown-up person, would be the offence of theft. B takes the property in consequence. B has committed no offence, bu A is liable to the same punishment as if B had committed theft.

(c) A instigates B to set fire to a dwelling house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith believing it to be A's property. B, acting under this misconception, does not take fraudulently, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 2.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder, and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 3.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Explanation 4.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this Clause and is liable to the punishment for murder.

6. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

Punishment of abetment if the person abetted does the act with a different intention from that of the abettor.

7. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it; provided the act done was a natural and probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Liability of abettor when one act is abetted and a different act is done.

Proviso.

Illustrations.

(a) A instigates a child to put poison into the food of Z and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act and not a probable consequence of the burning.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment A is liable to the punishment provided for murder.

8. If the act for which the abettor is liable under the last preceding Clause is committed in addition to the act abetted and constitutes a distinct offence, the abettor is liable to cumulative punishment.

Abettor when liable to cumulative punishment for act abetted and for act done.

Illustration.

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress and the offence of voluntarily causing grievous hurt, B is liable to cumulative punishment for these offences; and if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to cumulative punishment.

9. When an act is abetted with the intention on the part of the abettor of causing a particular effect, or with the knowledge that it is likely to cause that effect, and the act being done in consequence of the abetment, causes a different effect from that intended, or known by the abettor to be likely to be caused by the act abetted, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, or with the knowledge that it was likely to cause that effect, provided the effect caused was a natural and probable consequence of the act abetted.

Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.

Illustration.

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if death was the probable consequence of the grievous hurt abetted, A is liable to be punished with the punishment provided for murder.

10. If the effect for which the abettor is liable under the last preceding Clause is caused in addition to the effect which the abettor intended to cause, and the causing of such effects constitutes separate offences, the abettor is liable to cumulative punishment.

Abettor liable to cumulative punishment for the effect intended and for the effect caused if separate offences.

11. If any person in abetting an offence also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment when a person, in abetting an offence, commits another offence.

Illustration.

A, by putting B in fear of death, instigates B to commit mischief. Here A is liable both to the punishment provided for abetting B to commit mischief and to the punishment for criminally putting B in fear of death.

12. Whoever abets the commission of an offence punishable with death or transportation for life, shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if any act be done in consequence of the abetment, which causes harm to any person, shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Abetment of an offence punishable with death or transportation for life if the offence be not committed in consequence of the abetment.

If an act which causes harm be done in consequence of the abetment.

Illustration.

A instigates B to murder Z. The offence is not committed. If B had murdered Z he would have been subject to the punishment of death or transportation for life. Therefore A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any harm be done Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

13. Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment be punished with imprisonment of any description provided for that offence, for a term which may extend to one-fourth part of the longest term provided for that offence, or with such fine as is provided for that offence, or both; and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or both.

Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.

If the abettor or the person abetted, be a public servant whose duty it is to prevent the offence.

Illustrations.

(*a*) A offers a bribe to B, a public servant. B refuses to accept the bribe. A is punishable under this Clause.

(*b*) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this Clause, and is punishable accordingly.

(*c*) A, a Police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(*d*) B abets the commission of robbery by A, a Police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

14. Whoever abets the commission of an offence, by the public generally, or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Abetting the commission of an offence by the public or by more than 10 persons.

Illustration.

A affixes in a public place a placard, instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this Clause.

15. Whoever voluntarily conceals, by any act or illegal omission, the existence of a design to commit an offence punishable with death or transportation for life, or makes any representation which he knows to be false respecting such design, shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years; or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years: and in either case shall also be liable to fine.

Concealing a design to commit an offence punishable with death or transportation for life—

If the offence b committed.

If the offence be not committed.

Illustration.

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate. The dacoity is committed at B in pursuance of the design. A is punishable under this Clause.

16. Whoever, being a public servant, conceals, by any act or illegal omission, the existence of a design to commit any offence the commission of which it is his duty, as such public servant, to prevent, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or, if the offence be punishable with death or transportation for life, with imprisonment of either description for a term which may extend to ten years; or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

A public servant concealing a design to commit an offence which it is his duty to prevent—

If the offence be committed.

If the offence be punishable with death, &c.

If the offence be not committed.

Illustration.

A, an officer of Police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this Clause.

17. Whoever conceals, by any act or illegal omission, the existence of a design to commit an offence punishable with imprisonment, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth, and if the offence be not committed, to one-eighth of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Concealing a design to commit an offence punishable with imprisonment—

If the offence be committed.

If not committed.

Chapter VI.

OF OFFENCES AGAINST THE STATE.

1. Whoever, except as hereinafter excepted, wages war against the Queen or the Government of the East India Company, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or transportation for life, or imprisonment of either description for a term not exceeding fourteen years, and shall forfeit all his property.

Waging or attempting to wage war, or abetting the waging of war against the Government.

Exception. A Prince or Subject of a Foreign State by which war is lawfully waged against the Queen or the East India Company, or a subject of a Foreign Prince or State who abets that Prince or State in waging such war, is not within the meaning of this Clause.

Illustrations.

(a) A joins an insurrection against the Government of the East India Company. A has committed the offence defined in this Clause.

(b) A in India abets an insurrection against the Queen's Government of Ceylon by sending arms to the insurgents. A is guilty of abetting a war against the Queen.

(c) A joins an army of a foreign State which has invaded the territories of the East India Company, and serves in that army, not being a subject of that State, or of any other State at war with the Queen or the East India Company. A has committed the offence defined in this Clause.

(d) A instigates a native power to make war on the Government of the East India Company, not being a subject of that power. A has committed the offence defined in this Clause.

2. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Queen or the Government of the East India Company, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Concealing with intent to facilitate a design to wage war.

3. Whoever, with the intention of inducing or compelling the Governor General of India, or the Governor of any Presidency, or a Lieutenant Governor, or a Member of the Council of India, or of the Council of any Presidency, to exercise or refrain from exercising in any manner any of the lawful powers of such Governor General, Governor, Lieutenant Governor, or Member of Council, assaults or makes shew of assaulting, or wrongfully restrains, or attempts wrongfully to restrain, or overawes by means of an unlawful assembly, or attempts so to overawe, such Governor General, Governor, Lieutenant Governor, or Member of Council, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Assaulting Governor-General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.

4. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any other Clause of this Code, the punishment shall be cumulative.

Cumulative punishment.

5. Whoever attempts to excite, among any class of people who live under the Government established by law in any part of British India, such feelings of disaffection to that Government as are likely to induce them to resist or disobey the lawful authority of that Government, or to abet such resistance or disobedience, shall be punished with banishment from British India for life, or for any term, to which fine may be added; or with simple imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

Attempt to excite disaffection to the established Government.

6. Whoever wages war against the Government of any Asiatic power in alliance or at peace with the East India Company, or attempts to wage such war, or abets the waging of such war, shall be punished with banishment from British India for life or for any term, to which fine may be added; or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

Waging war against any Asiatic power in alliance with the East India Company.

7. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the East India Company, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

Committing depredation on the territories of any power at peace with the East India Company.

8. Whoever receives any property, knowing the same to have been taken in the prosecution of such war or depredation as is mentioned in Clauses 6 and 7 of this Chapter, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so recovered.

Receiving property taken by war or depredation mentioned in Clauses 6 & 7.

9. Whoever, being a public servant and having the custody of any State Prisoner or Prisoner of War, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Public servant voluntarily allowing prisoner of state or war in his custody to escape.

10. Whoever, being a public servant and having the custody of any State Prisoner or Prisoner of War, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

Public servant negligently suffering prisoner of state or war in his custody to escape.

11. Whoever knowingly aids or assists any State Prisoner or Prisoner of War in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Aiding escape of, rescuing, or harbouring such prisoner.

Explanation. A State Prisoner or Prisoner of War, who is permitted to be at large on his parole within certain limits in British India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

Chapter VII.

OF OFFENCES RELATING TO THE ARMY AND NAVY.

1. Whoever abets the committing of mutiny by an officer, soldier, or sailor, in the Army or Navy of the Queen or of the East India Company, or attempts to seduce any such officer, soldier, or sailor from his allegiance to Her Majesty, or his duty to the East India Company, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetting mutiny or attempting to seduce a soldier or sailor from his duty.

2. Whoever abets the committing of mutiny by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall, if mutiny be committed in consequence of that abetment, be punished with transportation for life, or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Abetment of mutiny if mutiny is committed in consequence thereof.

3. Whoever abets an assault by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Abetment of an assault by a soldier or sailor on his superior officer when in the execution of his office.

4. Whoever abets an assault by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetment of such assault, if the assault is committed.

5. Whoever abets the desertion of any officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall be punished with imprisonment of either description for a term which may extend to two years, or fine, or both.

Abetment of the desertion of a soldier or sailor.

6. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, has deserted, harbours such officer, soldier, or sailor, shall be punished with imprisonment of either description for a term which may extend to two years, or fine, or both.

Harbouring a deserter.

Exception. This provision does not extend to the case in which the harbour is given by a wife to her husband.

7. The master or person in charge of a Merchant Vessel on Board of which any deserter from the Army or Navy of the Queen, or of the East India Company, is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred Rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Deserter concealed on board merchant vessel through negligence of Master.

8. Whoever abets what he knows to be an act of insurbordination by an officer, soldier, or sailor, in the Army or Navy of the Queen, or of the East India Company, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or fine, or both.

Abetment of act of insubordination by a soldier or sailor.

9. No person, subject to the Articles of War for the Army or Navy of the Queen, or of the East India Company, is subject to punishment under this Code for any of the offences defined in this Chapter.

Persons subject to Articles of War not punishable under this Code.

10. Whoever, not being a soldier in the Military or Naval service of the Queen, or of the East India Company, wears any garb or carries any token resembling any garb or token used by such a soldier, with the intention that it may be believed that he is such a soldier, shall be punished with imprisonment of either description for a term which may extend to three months, or fine which may extend to five hundred Rupees, or both.*

Wearing the dress of a soldier.

Chapter VIII.

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1. An assembly of five or more persons is designated as an "unlawful assembly," if the common object of the persons composing that assembly, is—

Unlawful assembly.

First. To overawe the Legislative or Executive Government of India, or the Government of any Presidency, or any Lieutenant Governor, or any Public Servant in the exercise of the lawful power of such Public Servant; or

Second. To resist the execution of any law, or of any legal process; or

Third. To commit any mischief or criminal trespass, or other offence; or

Fourth. By means of force or shew of force to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right: or

Fifth. By means of force or resistance, or shew of force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

2. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

Being a member of an unlawful assembly.

3. Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Punishment.

4. Whoever, being armed with any deadly weapon, or with any thing which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Joining an unlawful assembly armed with any deadly weapon.

5. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.

6. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

Force used by one member in prosecution of common object.

7. Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for rioting.

8. Whoever is guilty of rioting, being armed with a deadly weapon, or with any thing which used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Rioting, armed with a deadly weapon.

9. If any person, whilst a member of an unlawful assembly or committing the offence of rioting, commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment.

10. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Every member of an unlawful assembly to be deemed guilty of offence committed in prosecution of common object.

11. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.

Explanation. If the assembly is an unlawful assembly within the meaning of Clause 1 of this

* The offence of purchasing, &c., arms, ammunition, cloth, Military accoutrements, forage, &c., from a soldier, is punishable by the Mutiny Act.

Chapter, the offender will be punishable under Clause 5.

Assaulting or obstructing public servant when suppressing riot, &c.

12. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavouring to disperse an unlawful assembly or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Wantonly giving provocation, with intent to cause riot.

If rioting be committed.

If not committed.

13. Whoever maliguantly or wantonly, by doing any thing which is illegal, gives provocation to any person, intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Owner or occupier of land to give information of riot.

14. Whenever an unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held or such riot is committed, shall be punishable with fine not exceeding one thousand rupees, if he or his agents or servants, knowing of such assembly or riot, or having reason to believe that it is about to take place, do not give to the Principal Officer of the nearest Police station the earliest notice in his or their power of such assembly or riot, or of its being about to take place, and do not use all lawful means in his or their power to prevent such riot or assembly from taking place, or for dispersing or suppressing it.

Punishment of persons on whose behalf a riot takes place.

15. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of the land upon which such riot takes place, or who claims any interest in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, unless he satisfy the Court that neither he nor his agents or servants had reason to believe either that the riot was likely to be committed or that the unlawful assembly by which it was committed was likely to be held, or that he or his servants or agents gave to the principal Officer of the nearest Police station the earliest notice in his or their power of such riot or unlawful assembly, or of its being about to take place, and used all lawful means in his or their power to prevent such unlawful assembly or riot and for dispersing or suppressing it.

Hiring persons to take part in an unlawful assembly.

16. Whoever hires or engages, or offers or attempts to hire or engage, any person to do or assist in doing any of the acts specified in Clause I of this Chapter shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever hires or engages, or offers or attempts to hire,

Or to go armed.

any person to go armed with any deadly weapon, or with any thing which used as a weapon of offence is likely to cause death, for the purpose of doing or assisting in doing any such act, or knowing it to be likely that the person so hired or any person assisting him will go so armed or use such weapon in doing or assisting in doing such act, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Being hired to take part in an unlawful assembly or riot.

Or to go armed.

17. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in Clause 1 of this Chapter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly weapon or with any thing which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Affray.

18. When two or more persons, by quarrelling or fighting or otherwise conducting themselves in a tumultuous manner in a public place, disturb the public peace, they are said to "commit an affray."

Punishment for committing affray.

19. Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Chapter IX.

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

Public servant taking a gratification other than legal remuneration, in respect of an official act.

1.* Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or a reward for doing or forbearing to do any official act, or for shewing or forbearing to shew, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency or with any Lieutenant Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Explanations. "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this Clause.

* For the definition of the words "public servant" see Clause 17 Chapter II.

For the offence of "offering a bribe" see Chapter V Clauses 5 and 13.

"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government which he serves to accept.

"A motive or a reward for doing" A person may receive a gratification as a motive for doing what he does not intend to do ; or as a reward for doing what he has not done.

Illustrations.

(a) A, a Moonsiff, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favor of Z. A has committed the offence defined in this Clause.

(b) A, holding the office of Resident at the court of a subsidiary power, accepts a lac of rupees from the minister of that power. It does not appear that A accepted this sum as a motive or a reward for doing or forbearing to do any particular official act, or for rendering or attempting to render any particular service to that power with the British Government. But it does appear that A accepted the sum as a motive or a reward for generally shewing favor in the exercise of his official functions to that power. A has committed the offence defined in this Clause.

(c) A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a title for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this Clause.

Taking a gratification in order by corrupt or illegal means to influence a public servant.

2. Whoever accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or a reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favor or disfavor to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Taking a gratification for the exercise of personal influence with a public servant.

3. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or a reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favor or disfavor to any person, or to render or attempt to render any service or disservice to any person with the Legislative or Executive Government of India, or with the Government of any Presidency, or with any Lieutenant Governor, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Illustration.

An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorial addressed to Government setting forth the services and claims of the memorialist ; a paid agent for a condemned criminal, who lays before the Government statements tending to shew that the condemnation was unjust; are not within this Clause, inasmuch as they do not exercise or profess to exercise personal influence.

Punishment for abetment by public servant of the offences above defined.

4. Whoever, being a public servant in respect of whom either of the offences defined in the last two preceding Clauses is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Illustration.

A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or fine, or both. A is punishable with imprisonment for a term which may extend to three years, or fine, or both.

Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.

5. Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned or interested in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with his official functions, or from any person whom he knows to be interested in or related to such person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Illustrations.

(a) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty Rupees a month, the house being such that, if the bargain were made in good faith, A would be required to pay two hundred Rupees a month. A has obtained a valuable thing from Z without adequate consideration.

(b) A, a Judge, buys of Z, who has a cause pending in A's Court, Government Promissory Notes at a discount, when they are selling in the market at a premium. A has obtained a valuable thing from Z without adequate consideration.

(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, when they are selling in the market at a discount. Z pays for the shares accordingly. The money so obtained by A is a valuable thing obtained by him without adequate consideration.

Public servant disobeying a direction of the law with intent to cause injury to any person.

6. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause or knowing it to be likely that he will by such disobedience cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Illustration.

(a) A, being an officer directed by law to take property in execution in order to satisfy a decree pronounced in Z's favor by a Court of Justice, knowingly disobeys that direction of law with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this clause.

Public servant framing an incorrect document with intent to cause injury.

7. Whoever being a public servant and being, as such public servant, charged with the preparation of any document, frames that document in a manner which he knows to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Public servant unlawfully engaging in trade.

8. Whoever, being a public servant, and being legally bound, as such public servant, not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

9. Whoever, being a public servant, and being legally bound, as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both; and the property, if purchased, shall be confiscated.

Public servant unlawfully buying or bidding for property.

10. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under the color of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Personating a public servant.

11. If any person in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, except the offences of cheating by personation or attempting to cheat by personation, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

12. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or both.

Wearing garb or carrying token used by public servant with fraudulent intent.

13. If any person, in doing any thing whereby he commits an offence under any Clause in this Chapter, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under this Chapter.

Illustration.

A, public servant, threatens to assess Z's land unjustly high unless Z will give him money, and thus obtains money from Z. Here A has committed the offence defined in Clause 1 of this Chapter, inasmuch as he has obtained from Z a gratification as a motive for forbearing to shew disfavor to Z in the exercise of A's official functions. A has also committed extortion, inasmuch as he has obtained property from Z by putting Z in fear of injury. Therefore A is liable to the punishment of extortion added to that provided by Clause 1 of this Chapter.

Chapter X.

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1. Whoever absconds in order to avoid being served with a summons, notice, or order proceeding from any public servant, legally competent as such public servant, to issue such summons, notice, or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons or notice is to attend in person or by agent, or to produce a document in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Absconding to avoid service of summons, or other proceeding from a public servant.

2. Whoever in any manner intentionally prevents the serving on himself, or on any other, of any summons, notice, or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice, or order, or intentionally prevents the lawful affixing to any place of any such summons, notice, or order, or intentionally removes any such summons, notice, or order from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant, legally competent, as such public servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the summons, notice, or proclamation, is to attend in person or by agent, or to produce a document in a Court of Justice, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Preventing service of summons or other proceeding, or preventing publication thereof.

3. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

4. Whoever, being legally bound to attend in person or by an agent at a certain place and time, in obedience to an order proceeding from any public servant, legally competent, as such public servant, to issue such order, intentionally omits to attend at that place, or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the order is to attend in person or by agent in a Court of Justice, with imprisonment for a term which may extend to one year, or with fine, or with both.

Non-attendance in obedience to an order from a public servant.

Illustrations.

(*a*) A, being legally bound to appear before the Supreme Court at Calcutta in obedience to a subpœna issuing from that Court, intentionally omits to appear. A has committed the offence defined in this Clause.

(*b*) A, being legally bound to appear before a Zillah Judge, as a witness, in obedience to a summons issued by that Zillah Judge, intentionally omits to appear. A has committed the offence defined in this clause.

5. Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the document is to be produced or delivered up to a Court of Justice, with imprisonment for a term which may extend to one year, or with fine, or with both.

Omission to produce a document to a public servant by a person legally bound to produce such document.

Illustration.

A, being legally bound to produce a document before a Zillah Court intentionally omits to produce the same. A has committed the offence defined in this Clause.

Omission to give notice or information to a public servant by a person legally bound to give notice or information.

6. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice, or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Furnishing false information.

7. Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on that subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Illustrations

(*a*) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the District that such death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in the latter part of this Clause.

(*b*) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a Dacoity in the House of Z, a wealthy merchant residing in a neighbouring place, and being bound under Clause 5 Section VII Regulation III of 1821 of the Bengal Code, to give early and punctual information of the above fact to the officer of the nearest Police Station, wilfully misinforms the Police Officer that a body of suspicious characters passed through the beat of his watch with a view to commit Dacoity in a certain distant village and in a different direction. Here A is guilty of the offence defined in the latter part of this Clause.

Refusing oath when duly required to take oath by a public servant.

8. Whoever refuses to bind himself by an oath to state the truth, when required so to bind himself by a public servant, legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Refusing to answer a public servant authorized to question.

9. Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant, in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Refusing to sign statement.

10. Whoever refuses to sign any statement made by him when required to sign that statement by a public servant, legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand Rupees, or with both.

False statement on oath to public servant or person authorized to administer an oath.

11. Whoever, being legally bound by an oath to state the truth on any subject to any public servant or other person authorized by law to administer such oath, states to such public servant or other person as aforesaid, touching that subject, as true that which he knows or believes to be false, or does not know or in good faith believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Illustration.

A before a Magistrate swears to the truth of an affidavit knowing it to be false. A is guilty of an offence under this Clause notwithstanding the affidavit is intended to be used before another authority.

False information with intent to cause a public servant to use his lawful power to the injury of another person.

12. Whoever gives to any public servant, any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant to use the lawful power of such public servant, to the injury or annoyance of any person, or to do or omit any thing which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Illustrations.

(*a*) A informs a Magistrate that Z, a Police Officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this Clause.

(*b*) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false and knowing that it is likely that the consequence of the information will be a search of Z's premises attended with annoyance to Z. A has committed the offence defined in this Clause.

Resistance to the taking of property by the lawful authority of a public servant.

13. Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Cumulative punishment in certain cases for offences under the last Clause.

14. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Obstructing sale of property offered for sale by authority of a public servant.

15. Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

16. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

17. Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property, not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both

Illegal purchase or bid for property offered for sale by authority of a public servant.

18. Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Obstructing public servant in discharge of his public functions.

19. If any person by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

20. Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

Omission to assist public servant when bound by law to give assistance.

21. Whoever, being present, wilfully neglects to render such assistance as is in his power to a public servant who demands his aid in the execution of any process lawfully issued by a Court of Justice, or in preventing the commission of an offence, or in suppressing a riot or affray, or in the apprehension of a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

Neglect to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.

22. Whoever, being required by a public servant to furnish or render assistance for any of the purposes mentioned in the last preceding Clause, wilfully omits to furnish or render such reasonable assistance as may be in his power, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred Rupees, or with both.

Wilful omission to aid such public servant.

23. No person shall be liable to prosecution in any Civil or Criminal Court, for any act done by himself or by any other person in obedience to a requisition under either of the last two preceding Clauses.

Saving of liability in respect of act done in obedience to requisition of such public servant.

24. Whoever, knowing that by an order promulgated by a public servant, lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction or annoyance, or injury, or risk of obstruction, or annoyance, or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Disobedience to an order duly promulgated by a public servant.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce harm.

Illustration.

An order is promulgated by a public servant, lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this Clause.

25. If any person, by doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment in certain cases for offences under the last Clause.

26. Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Threat of injury to a public servant.

27. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant, legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Threat of injury to induce any person to refrain from applying for protection to a public servant.

Chapter XI.
OF OFFENCES AGAINST PUBLIC JUSTICE.

1. Whoever in any stage of a judicial proceeding, being bound by an oath or by any express provision of law to state the truth, or being

Giving false evidence.

bound by law to make a declaration upon any subject, states for truth that which he knows or believes to be false, or which he does not know or in good faith believe to be true, is said to give false evidence.

Explanation 1. A statement is within the meaning of this Clause, whether it is made verbally or otherwise.

Explanation 2. A false statement as to the belief of the person attesting, is within the meaning of this Clause, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Explanation 3. A person is said to state that which he does not in good faith believe to be true, who, at the time of making the statement, has had no means of forming a belief upon the subject.

Explanation 4. An Interpreter or Translator bound by oath or by any express provision of law to interpret or translate truly any statement or document, is guilty of giving false evidence, if he gives a false interpretation or translation of any words which it is material that he should interpret or translate truly.

Illustrations.

(a) A, in support of a just claim which B has against Z for one thousand Rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.

(b) A states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z, A in good faith believing it to be so. Here A's statement is merely as to his belief and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.

(d) A states that he knows that Z was at a particular place on a particular day, not knowing any thing upon the subject. A gives false evidence whether Z was at that place on the day named, or not.

Fabricating false evidence.

2. Whoever causes any circumstance to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before a private arbitrator, and that such circumstance, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence."

Illustrations.

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy and puts the letter in a place which he knows that the Officers of the Police are likely to search. A has fabricated false evidence.

(c) A makes a false entry in his shop book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

Punishment for false evidence.

3. Whoever intentionally gives false evidence in any stage of a judicial proceeding, touching any point material to the result of that proceeding, or gives or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1. A trial before a Court Martial is a judicial proceeding.

Explanation 2. An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Explanation 3. An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Giving or fabricating false evidence with intent to procure conviction of a capital offence.

If innocent person be thereby convicted and executed.

4. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by this Code, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment.

5. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code is not capital, but punishable with transportation for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration.

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, with or without fine. A, therefore, is liable to such transportation or imprisonment, with or without fine.

Using in a judicial proceeding evidence known to be false.

6. Whoever in any stage of a judicial proceeding uses or attempts to use as true or genuine evidence, any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Uttering or signing a false certificate.

7. Whoever utters or signs, or causes or attempts to cause to be uttered or signed, any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as a true certificate one known to be false in a material point.

8. Whoever uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

9. Whoever, in any declaration made and subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, states as true what he knows or believes to be false, or what he does not know or in good faith believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

False statement made in any declaration which is by law receivable as evidence.

10. Whoever uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as true any such declaration known to be false.

Explanation. A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of clauses 9 and 10.

11. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment for any term not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or both.

Causing disappearance of evidence of an offence committed or giving false information touching it to screen the offended

If a capital offence.

If punishable with transportation.

If punishable with less than fourteen years' imprisonment

Illustration.

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine

12. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or both.

Intentional omission to give information of an offence, by a person bound to inform.

13. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both

Giving false information respecting an offence committed

14. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant as such, with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Destruction of document to prevent its production as evidence.

15. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued, or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

False personation for the purpose of any act or proceeding in a suit.

16. Whoever fraudulently removes, conceals, transfers, or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice, or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a Civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both

Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree.

17. Whoever fraudulently accepts, receives, or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court of Justice, or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of Justice in a Civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree

18 Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for a larger sum than remains due thereon, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Fraudulently suffering a decree for a sum not due

Illustration.

A institutes a suit against Z Z knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to

pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this Clause.

Fraudulently obtaining a decree for a sum not due.

19. Whoever fraudulently obtains a decree or order against any person for a sum not due or for a larger sum than is due, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for a larger sum than remains due thereon, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

False charge of offence made with intent to injure.

20. Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall, after the final determination of such proceeding or charge in that person's favor, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if any criminal proceeding be instituted on a false charge of an offence punishable with death, transportation for life, or imprisonment for seven years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Harbouring an offender

21. Whoever, knowing or having reason to believe that an offence has been committed, harbours or conceals a person whom he knows or believes to be the offender, with the intention of screening him from legal punishment, shall, if the

If a capital offence.

offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if the offence is

If punishable with transportation for life, &c., or with imprisonment.

punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year and not to fourteen years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception. This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

Illustration.

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here as B is liable to transportation for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

Taking gift, &c to screen an offender from punishment.

22. Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the

If a capital offence.

offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for

If punishable with transportation for life or with imprisonment.

life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offence is punishable with imprisonment not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Gift made to cause restoration of property in consideration of screening offender.

23. Whoever gives or causes, or offers or agrees to give or cause any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence or of his screening any person from legal punishment for any offence or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished

If a capital offence.

with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to fourteen years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

If punishable with transportation for life or with imprisonment

Exception. The provisions of Clauses 22 and 23 do not extend to any case in which the offence consists only of an act irrespective of the intention of the offender, and for which act the person injured may bring a civil action.

Illustrations.

(*a*) A assaults B with intent to commit murder. Here, as the offence does not consist of the assault only, irrespective of the intention to commit murder, it does not fall within the exception, and cannot therefore be compounded.

(*b*) A assaults B. Here, as the offence consists simply of the act, irrespective of the intention of the offender, and as B may have a civil action for the assault, it is within the exception and may be compounded.

(*c*) commits the offence of bigamy. Here as the offence is not the subject of a civil action, it cannot be compounded.

(*d*) B commits the offence of adultery with a married woman. The offence may be compounded.

Harbouring an offender who has escaped from custody, or whose apprehension has been ordered.

24. Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an

offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say, if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or if the offence is punishable with transportation for life, or imprisonment for fourteen years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to fourteen years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

If a capital offence.

If punishable with transportation for life or with imprisonment.

Exception. This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

No person shall be liable under this Clause to a greater amount of punishment than that to which the person escaping or who ought to have been apprehended, was liable under the conviction, or than that provided by this Code for such an offence as that charged.

Limit of punishment.

25. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture.

26. Whoever, being a public servant and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save or knowing that he is likely thereby to save any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture.

27. Whoever, being a public servant, makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Public servant in a judicial proceeding making an order, report, &c., which he knows to be contrary to law.

28. Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, commits any person for trial or to confinement, or keeps any person in confinement in the exercise of that authority, knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.

29. Whoever, being a public servant, legally bound as such public servant, to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, voluntarily omits to apprehend such person, or voluntarily suffers such person to escape, or voluntarily aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:

Voluntary omission to apprehend on the part of a public servant bound by law to apprehend.

Punishment.

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with death; or

With imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with or liable to be apprehended for an offence punishable with transportation for life, or imprisonment for a term which may extend to fourteen years; or

With imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for an offence punishable with imprisonment for a term less than fourteen years.

No person shall be liable under this Clause to a greater amount of punishment than the punishment provided for the offence with which the person in confinement, or who ought to have been apprehended, was charged or liable to be apprehended.

Limit of punishment.

30. Whoever, being a public servant, legally bound as such public servant, to apprehend or to keep in confinement any person under sentence of a Court of Justice for any offence, voluntarily omits to apprehend such person, or voluntarily suffers such person to escape, or voluntarily aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:

Voluntary omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice.

Punishment.

With transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death: or

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who

ought to have been apprehended, is subject by a sentence of a Court of Justice, or by virtue of a commutation of such sentence, to transportation for life or penal servitude for life, or to transportation or penal servitude or imprisonment for a term of fourteen years or upwards: or

With imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended, is subject by a sentence of a Court of Justice to imprisonment for a term not extending to fourteen years.

Limit of punishment.

No person shall be liable under this Clause to a greater amount of punishment than that to which the person in confinement or who ought to have been apprehended, was liable at the time of the commission of the offence defined by this Clause.

Escape from confinement negligently suffered by a public servant.

31. Whoever, being a public servant, legally bound as such public servant, to keep in confinement any person charged with or convicted of any offence, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Limit of punishment.

No person shall be liable under this Clause to a greater amount of punishment than that to which the person in confinement was liable at the time of the committing of the offence defined by this Clause, or by which the offence charged was punishable.

Resistance or obstruction by a person to his lawful apprehension.

32. Whoever offers any resistance or illegal obstruction to the lawful apprehension of himself for an offence, or escapes or attempts to escape from any custody in which he is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. The punishment in this Clause is in addition to the punishment for which the person to be apprehended or detained in custody, was liable for the offence with which he was charged, or for which he was detained.

Cumulative punishment.

33. If any person, in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Resistance or obstruction to the lawful apprehension of another person.

34. Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both,

Punishment.

Or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with, or liable to be apprehended for an offence punishable with transportation for life, or imprisonment for a term which may extend to fourteen years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with, or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to transportation for life, or to transportation, penal servitude, or imprisonment, for a term of fourteen years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with transportation for life, or imprisonment for a term not exceeding fourteen years, and shall also be liable to fine.

Cumulative punishment

35 If any person, in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Unlawful return from transportation

36. Whoever, having been lawfully transported, returns from such transportation, the term of such transportation not having expired, and his punishment not having been remitted, shall be punished with transportation for life, and shall also be liable to fine, and to be imprisoned with rigorous imprisonment for a term not exceeding three years before he is so transported.

Unlawful return from banishment.

37. Whoever, having been lawfully banished, returns from such banishment, his term of banishment not having expired, and his punishment not having been remitted, shall be punished with transportation for life, or imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and in the case of his being sentenced to imprisonment, shall also be liable to banishment for life at the expiration of his imprisonment.

Violation of condition of remission of punishment.

38 Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding

39. Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

40. If any person in doing any thing whereby he commits an offence under the last preceding Clause, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment.

41. Whoever, by personation or otherwise, shall intentionally cause or knowingly suffer himself to be returned, empanelled, or sworn as a juryman or assessor in any case in which he is not entitled by law to be so returned, empanelled, or sworn, or by any means contrary to law, or, knowing himself to have been so empanelled, returned, or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Personation of a juror or assessor.

Chapter VII.

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

1. Coin is metal used as money stamped and issued by the authority of some Government in order to be so used.

Coin.

Coin stamped and issued by the authority of the Queen, is designated as the Queen's coin.

Queen's coin.

Illustrations.

(*a*) Cowries are not coin.

(*b*) Lumps of unstamped copper, though used as money, are not coin.

(*c*) An ancient Denarius is not now coin, inasmuch as such pieces are not now used as money.

(*d*) Medals are not coin, inasmuch as they are not intended to be used as money.

(*e*) Bank tokens issued by a private Bank are not coin, inasmuch as they are not put forth by the authority of any Government.

2. Coin stamped and issued by the authority of the Government of India, or of the Government of any Presidency, is designated as the Company's coin.

Company's coin.

3. Whoever counterfeits, or performs any part of the process of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting coin.

Explanation. A person may commit this offence by causing a genuine coin to appear like a different coin.

4. Whoever counterfeits, or performs any part of the process of counterfeiting, the Queen's or the Company's coin, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting the Queen's or the Company's coin.

5. Whoever makes, mends, or performs any part of the process of making or mending, or buys, sells, or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or selling instrument for counterfeiting coin.

6. Whoever makes, mends, or performs any part of the process of making or mending, or buys, sells, or disposes of, any die or instrument, for the purpose of being used, or having reason to believe that it is intended to be used, for the purpose of making or counterfeiting the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for counterfeiting Queen's or Company's coin.

7. Whoever is in possession of any instrument or material, for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the coin to be counterfeited is the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of instrument or material for the purpose of using the same for counterfeiting coin.

8. Whoever being within British India abets the counterfeiting, out of British India, of the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetting in India the counterfeiting out of India of Queen's or Company's coin.

9. Whoever imports into British India, or exports therefrom, any counterfeit coin, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Import or export of counterfeit coin.

10. Whoever imports into British India, or exports therefrom, any counterfeit coin which he knows to be a counterfeit of the Queen's or the Company's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Import or export of counterfeits of the Queen's or Company's Coin.

11. Whoever, having any counterfeit coin, which at the time when he became possessed of it he knew to be counterfeit, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery to another of coin possessed with the knowledge that it is counterfeit.

12. Whoever, having any counterfeit coin which is a counterfeit of the Queen's or the Company's coin, and which, at the time when he became possessed of it, he knew to be a counterfeit of the Queen's or the Company's coin, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if he delivers the same to any other person as genuine, or attempts to induce any other person to receive it as genuine, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Delivery of Queen's or Company's Coin possessed with the knowledge that it is counterfeit.

13. Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin, which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Delivery to another of coin as genuine which when first possessed the deliverer did not know to be counterfeit.

Illustration.

A, a coiner, delivers counterfeit Company's Rupees to his accomplice, B, for the purpose of uttering them. B sells the Rupees to C, another utterer, who buys them, knowing them to be counterfeit. C pays away the Rupees for goods to D, who receives them not knowing them to be counterfeit. D, after receiving the Rupees, discovers that they are counterfeit, and pays them away as if they were good. Here D is punishable only under this Clause, but B and C are punishable under Clause 11 or 12, as the case may be.

14. Whoever is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

15. Whoever is in possession of counterfeit coin which is a counterfeit of the Queen's or the Company's coin, having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of Queen's or Company's coin by a person who knew it to be counterfeit when he became possessed thereof.

16. Whoever, being employed in any mint lawfully established in British India, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Person employed in a mint causing coin to be of a different weight or composition from that fixed by law.

17. Whoever without lawful authority takes out of any mint, lawfully established in British India, any instrument appearing on the face of it to be intended for the purpose of making coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Unlawfully taking from a mint any coining instrument.

18. Whoever fraudulently performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently diminishing the weight or altering the composition of any coin.

Explanation. A person who scoops out part of the coin, and puts any thing else into the cavity, changes the composition of that coin.

19. Whoever fraudulently performs on any of the Queen's or the Company's coin, any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulently diminishing the weight or altering the composition of the Queen's or the Company's coin.

20. Whoever performs on any coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Altering appearance of any coin with intent that it shall pass as a coin of a different description.

21. Whoever performs on any of the Queen's or the Company's coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Altering appearance of the Queen's or the Company's coin with intent that it shall pass as a coin of a different description.

22. Whoever, having coin in his possession with respect to which the offence defined in Clause 18 or 20 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, delivers such coin to any other, or attempts to induce any other to receive the same, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if he delivers such coin to any other person as genuine, or as a coin of a different description, or attempts to induce any other person to receive the same as a genuine coin, or as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery to another of coin possessed with the knowledge that it is altered.

23. Whoever, having coin in his possession with respect to which the offence defined in Clause 19 or 21 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, delivers such coin to any other, or attempts to induce any other to receive the same, with the intention that such coin may be passed as if no such offence had been committed with respect to it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if he delivers such coin to any other person as genuine, or as a coin of a different description, or attempts to induce any other person to receive it as genuine or as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Delivery of Queen's or Company's coin possessed with the knowledge that it is altered.

24. Whoever is in possession of coin with respect to which the offence defined in either of the Clauses 18 or 20 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of altered coin by a person who knew it to be altered when he became possessed thereof.

25. Whoever is in possession of coin with respect to which the offence defined in either of the Clauses 19 or 21 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Possession of Queen's or Company's coin by a person who knew it to be altered when he became possessed thereof.

26. Whoever delivers to any other person as genuine, or as a coin of a different description to what it is, or attempts to induce any person to receive as genuine, or as a different coin to what it is, any coin in respect of which he knows any such operation as that mentioned in Clause 18, 19, 20, or 21 has been performed, but in respect of which he did not, at the time when he took it into his possession, know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed, or attempted to be passed.

Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.

27. Whoever counterfeits, or performs any part of the process of counterfeiting, any Government stamp or any stamp from which the Government derives a revenue, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting a Government stamp.

28. Whoever has in his possession any instrument or material, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.

29. Whoever makes or performs any part of the process of making, or buys, or sells, or disposes of, any instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for the purpose of counterfeiting a Government stamp.

30. Whoever sells, or offers for sale, any stamp which he knows to be a counterfeit of any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp.

31. Whoever has in his possession any stamp which he knows to be a counterfeit of any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a counterfeit Government stamp.

32. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any Government stamp or any stamp from which the Government derives a revenue, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Using as genuine a Government stamp known to be counterfeit.

33. Whoever, intending to cause wrongful loss to the Government, removes or effaces from any substance bearing a Government stamp, or any stamp from which the Government derives a revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with a fine, or with both.

Effacing any writing from a substance bearing a Government Stamp or removing from a document a stamp used for it, with intent to cause wrongful loss to Government.

34. Whoever, intending to cause wrongful loss to the Government, uses for any purpose a stamp which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.

Using a Government stamp known to have been before used.

35. Whoever, intending to cause wrongful loss to Government, erases or removes from a stamp any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession, or sells or disposes of, any stamp from which such mark has been erased or removed, or sells or disposes of any stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with a fine, or with both.

Erasure of mark denoting that stamp has been used.

Chapter XIII.

OF OFFENCES RELATING TO WEIGHTS AND MEASURES.

1. It is unlawful to use dishonestly any false instrument for weighing, or any false weight or measure.

False weight or measure.

2. Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Fraudulent use of false instrument for weighing.

3. Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Fraudulent use of false weight or measure.

4. Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, and which he intends to use fraudulently,

Being in possession of false weights or measures.

shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Making or selling false weights or measures.

5. Whoever makes, sells, or disposes of, any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Chapter XIV.

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS

Public nuisance.

1. A person is guilty of a public nuisance, who does any act or is guilty of an illegal omission which causes any common injury, danger or reasonable annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some other convenience or advantage.

Negligent act likely to spread infection of any disease dangerous to life.

2. Whoever negligently does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Malignant act likely to spread infection of any disease dangerous to life.

3. Whoever malignantly does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Disobedience to a quarantine rule.

4. Whoever knowingly disobeys any rule made and promulgated by the Government of India, or by the Local Government, for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore, or with other vessels, or for regulating the intercourse between places where an infectious disease prevails, and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Adulteration of food or drink for man, which is intended for sale.

5. Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink for man, intending to sell such article, or knowing it to be likely that the same will be sold as food or drink for man, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Sale of noxious food or drink.

6. Whoever sells, or offers or exposes for sale, as food or drink for man, any article which has been rendered or has become noxious, or is in a state unfit for food or drink for man, knowing or having reason to believe that the same is noxious as food or drink for man, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Adulteration of drugs.

7. Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used, or knowing it to be likely that it will be sold or used, for any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Sale of adulterated drugs.

8. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Sale of any drug as a different drug or preparation.

9. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Defiling the water of a public spring or reservoir.

10. Whoever voluntarily corrupts or defiles the water of any public spring or reservoir, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Making atmosphere noxious to health.

11. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of any person dwelling or carrying on business in the neighbourhood, or passing along a public way, shall be punished with fine which may extend to five hundred Rupees.

Rash driving or riding on a public way.

12. Whoever drives any vehicle, or rides, on any public way, in a manner so rash or negligent as to indicate a want of due regard for human life, or in such a manner as is likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Rash navigation of a vessel.

13. Whoever navigates any vessel in a manner so rash or negligent as to indicate a want of due regard for human life, or in such a manner as is likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to

six months, or with fine which may extend to one thousand Rupees, or with both.

Conveying person by water for hire in a vessel overloaded or unsafe.

14. Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Danger or obstruction in a public way or navigation.

15. Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction, or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred Rupees.

Negligent conduct with respect to any poisonous substance.

16. Whoever knowingly or negligently does with any poisonous substance, any act which indicates a want of due regard for human life, or omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any fire or combustible matter.

17. Whoever knowingly or negligently does, with fire or any combustible matter, any act which indicates a want of due regard for human life, or omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any explosive substance.

18. Whoever knowingly or negligently does, with any explosive substance, any act which indicates a want of due regard for human life, or omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligent conduct with respect to any machinery in the possession or under the charge of the offender.

19. Whoever knowingly or negligently does, with any machinery, any act which indicates a want of due regard for human life, or omits to take such order with any machinery in his possession or under his care, as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligence with respect to pulling down or repairing buildings.

20. Whoever, having such a right over any building as entitles him to pull down or repair that building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Negligence with respect to any animal.

21. Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Punishment for public nuisance.

22. Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred Rupees.

Continuance of nuisance after injunction to discontinue.

23. Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Sale, &c., of obscene books.

24. Whoever imports, prints, publishes, sells or distributes, or wilfully exhibits to public view, any obscene book, pamphlet, ballad, paper, drawing, painting, representation, or figure, or attempts or offers so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception. This Clause does not extend to any representation sculptured, engraved, painted, or otherwise represented, on or in any Temple or on any car used for the conveyance of idols.

Having in possession obscene book for sale or exhibition.

25. Whoever has in his possession any such obscene book or other thing as is mentioned in the last preceding Clause for the purpose of sale, distribution, or public exhibition, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Obscene songs.

26. Whoever sings, recites, or utters any obscene song, ballad, or words to the annoyance of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Chapter XV.

OF OFFENCES RELATING TO RELIGION.

Injuring or defiling a place of worship, with intent to insult the religion of any class.

1. Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

2. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Disturbing a religious assembly.

3. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, commits any trespass on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Trespassing on burial places, &c.

4. If any person by doing any thing whereby he commits an offence under either of the last three preceding Clauses, also commits an offence under any Clause contained in any other Chapter of this Code, the punishment shall be cumulative.

Cumulative punishment for offence under the preceding Clauses committed together with another offence.

5. Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Uttering words, &c. with deliberate intent to wound the religious feelings of any person.

Chapter XVI.

OF OFFENCES AFFECTING THE HUMAN BODY.

OF OFFENCES AFFECTING LIFE.

1. WHOEVER causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Culpable homicide.

Illustrations.

(*a*) A lays sticks and turf over a pit, with the intention of thereby causing death or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in, and is killed. A has committed the offence of culpable homicide.

(*b*) A, with the intention or knowledge aforesaid, relates agitating tidings to Z, who is in a critical stage of a dangerous illness. Z dies in consequence A has committed the offence of culpable homicide.

(*c*) A with the intention or knowledge aforesaid, threatens to cause the instant death of Z, unless Z jumps out of a window. Z jumps out of the window in consequence of the threat and thereby kills himself. A has committed the offence of culpable homicide.

(*d*) A is hired to guide Z through a jungle. In the midst of the jungle, A, no circumstance having occurred to release him from his legal obligation to guide Z through the jungle, leaves Z in the jungle with the knowledge that Z is likely to be lost in the jungle and starved to death in consequence. Z is lost in the jungle and starved to death in consequence. A has committed the offence of culpable homicide.

(*e*) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

Explanation 1. A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2. Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3. The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child if any part of that child has been brought forth, though the child may not have breathed or been completely born.

2. Except in the cases hereinafter excepted, culpable homicide is murder if the act by which the death is caused is done with the intention of causing death, or—

Murder.

2*ndly*. If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

3*rdly*. If it is done with the intention of causing bodily injury to any person and the bodily harm intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

4*thly*. If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid and under circumstances which indicate a depraved mind regardless of human life.

Illustrations.

(*a*) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder

(*b*) A, knowing that Z is labouring under such a disease that a blow on a particular part of his body is likely to cause his death, strikes him on that particular part of his body with intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder if he did not intend to cause death.

(*c*) A gives Z sword-cuts and club-wounds sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here if A intended to cause that degree of bodily injury to Z which he inflicted, A is guilty of murder, although it may not be proved that A intended to cause Z's death.

(*d*) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them, A is guilty of murder although he may not have had a premeditated design to kill any particular individual.

Exception 1. Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by the excitement of fear or anger caused by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident in doing an act caused by such fear or anger.

When culpable homicide is not murder.

The above exception is subject to the following provisoes.

First. That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly. That the provocation is not given by any thing done in obedience to the law or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly. That the provocation is not given by any thing done in the lawful exercise of the right of private defence.

Explanation. Whether the provocation was grave enough or the passion of fear or anger sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations.

(*a*) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.

(*b*) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending or knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder but merely culpable homicide.

(*c*) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and voluntarily kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in obedience to the law.

(*d*) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition and that A has perjured himself. A is moved to sudden passion by these words and kills Z. This is murder.

(*e*) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.

(*f*) Z strikes B. B is by this provocation excited to violent rage. A, a by-stander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2. Culpable homicide is not murder if the offender in the exercise of the right of private defence of person or property exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3. Culpable homicide is not murder if the offender, being a public servant, acting for the advancement of public justice, exceeds the powers given to him by law and causes death by doing an act which he in good faith believes to be necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4. Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation. It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5. Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Explanation 1. A consent is not within the meaning of this exception if it is given by a person under fear of injury, or under a misconception of fact, and if the offender knows or has reason to believe that the consent is given in consequence of such fear or misconception.

Explanation 2. Culpable homicide committed by a person who voluntarily puts himself to death is within this exception.

Illustrations.

(*a*) A, by instigation, voluntarily causes Z, a person under eighteen years of age, to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

(*b*) A, by intentionally deceiving Z, who is laboring under a painful disease, and inducing him to believe that his disease is incurable, when A knows that it is not so, voluntarily causes Z to commit suicide. Here, on account of the deception practised by A, the offence cannot be culpable homicide by consent. A has therefore abetted murder.

(*c*) A by instigation voluntarily causes Z, a person above eighteen years of age, to put himself to death. A has abetted culpable homicide, but not murder.

Culpable homicide by causing the death of a person other than the person whose death was intended.

3. If a person, by doing any thing which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Punishment for murder.

4. Whoever commits murder shall be punished with death, or transportation for life, and shall also be liable to fine.

Punishment for murder by a life convict.

5. Whoever being under sentence of transportation for life is a principal in murder by actually committing that offence, shall be punished with death.

Punishment for culpable homicide not amounting to murder.

6. Whoever commits culpable homicide not amounting to murder, shall be punished with transportation for life or imprisonment of either description for a term which may extend to fourteen years and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with fine, or both, if the act is done with the knowledge that it is likely to cause death but without any intention to cause death or to cause such bodily injury as is likely to cause death.

Abetment of suicide of child or insane person.

7. If any person under eighteen years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide shall be punished with death or transportation for life or imprisonment for a term not exceeding fourteen years, and shall also be liable to fine.

Abetment of suicide.

8. If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Attempt to murder.

9. Whoever attempts to commit murder and does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and must not be less than seven years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to transportation for life or to such punishment as is hereinbefore mentioned.

Illustrations.

(*a*) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this Clause

(*b*) A intending to murder Z by means of a spring gun, purchases such a gun; A has not yet committed the offence defined in this Clause. A sets the gun loaded in Z's path, and leaves it there. A has committed the offence defined in this Clause

(*c*) A intending to murder Z by poison purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence in this Clause. A places the food on Z's table or delivers it to Z's servants to place it on Z's table A has committed the offence defined in this Clause.

Attempt to commit culpable homicide.

10. Whoever attempts to commit culpable homicide and does any act with such intention or knowledge and under such circumstances that if he by that act or omission caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both; and if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

Illustrations.

(*a*) A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this Clause.

(*b*) A pursues a thief and fires at him under such circumstances that if he killed the thief he would commit culpable homicide in defence. A has committed the offence defined in this Clause.

Attempt to commit suicide.

11. Whoever attempts to commit suicide and does any act towards the commission of such offence shall be punished with simple imprisonment for a term which may extend to two years, and shall also be liable to fine.

Thug.

12. Whoever is habitually associated with any other or others for the purpose of committing robbery or child-stealing by means of or accompanied with murder, is a Thug.

Punishment.

13. Whoever is a Thug shall be punished with transportation for life, and shall also be liable to fine.

OF THE CAUSING OF MISCARRIAGE, OF INJURIES TO UNBORN CHILDREN, OF THE EXPOSURE OF INFANTS, AND OF THE CONCEALMENT OF BIRTHS.

Causing miscarriage.

14. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both; and if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation. A woman may be guilty of this offence by causing herself to miscarry.

Causing miscarriage without woman's consent.

15. Whoever commits the offence defined in the last preceding Clause without the consent of the woman, whether the woman is quick with child or not, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Consent given through fear of injury.

A consent is not within the meaning of this Clause if it is given by a person under fear of injury or under a misconception of fact, and if the person committing the offence knows or has reason to believe that the consent was given in consequence of such fear or misconception.

Death caused by an act done with intent to cause miscarriage.

16. Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and

If act done without woman's consent.

if the act is done without the consent of the woman, shall be punished either with transportation for life or with the punishment above-mentioned.

Explanation. It is not essential to this offence that the offender should know that the act is likely to cause death.

Act done with intent to prevent a child being born alive or to cause it to die after birth.

17. Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or both.

Causing death of a quick unborn child by an act amounting to culpable homicide.

18. Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustration.

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this Clause.

Exposure and abandonment of a child under 5 years by parent or person having care of it.

19. Whoever being the father or mother of a child under the age of five years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

Explanation. This Clause is not intended to prevent the trial of the offender for murder or culpable homicide as the case mae be, if the child die in consequence of the exposure.

Concealment of birth by secret disposal of dead body.

20. Whoever by secretly burying or otherwise disposing of the dead body of a child, whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

OF HURT.

Hurt.

21. Whoever causes bodily pain, disease, or infirmity, is said to cause hurt.

Grievous hurt.

22. The following kinds of hurt only are designated as "grievous."

First. Emasculation.

Secondly. Permanent privation of the sight of either eye.

Thirdly. Permanent privation of the hearing of either ear.

Fourthly. Privation of any member or joint.

Fifthly. Destruction or permanent impairing of the powers of any member, or joint.

Sixthly. Permanent disfiguration of the head or face.

Seventhly. Fracture or dislocation of a bone or tooth.

Eighthly. Any hurt which endangers life or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt.

23. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

Voluntarily causing grievous hurt.

24. Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation. A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt, and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

Punishment for voluntarily causing hurt.

25. Whoever, except in the case mentioned in Clause 36, voluntarily causes hurt shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Voluntarily causing hurt by dangerous weapons or means.

26. Whoever voluntarily causes hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument, which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Punishment for voluntarily causing grievous hurt.

27. Whoever voluntarily causes grievous hurt shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing grievous hurt by dangerous weapons or means.

28. Whoever voluntarily causes grievous hurt by means of any instrument for shooting, stabbing, or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing grievous hurt in committing dacoity or robbery.

29. Whoever voluntarily causes grievous hurt in committing or attempting to commit dacoity or robbery, or in avoiding or attempting to avoid apprehension for such offence or attempt, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to fourteen years, and which must not be less than seven years, and shall also be liable to fine.

Voluntarily causing hurt to extort property or to constrain to an illegal act.

30. Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do any thing which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.

31. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do any thing that is illegal or which may facilitate the commission of an offence, shall be punished with transportation for life or imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing hurt to extort confession or to compel restoration of property.

32. Whoever voluntarily causes hurt, or threatens to cause hurt, for the purpose of extorting from the sufferer or any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Illustrations.

(*a*) A, a police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this Clause.

(*b*) A, a police officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this Clause.

(c) A, a Revenue officer, tortures Z in order to compel him to pay certain arrears of Revenue due from Z. A is guilty of an offence under this Clause

(d) A, a zemindar, tortures a ryot in order to compel him to pay his rent. A is guilty of an offence under this lause.

Voluntarily causing grievous hurt to extort confession or to compel restoration of property.

33. Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer or any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing hurt to deter public servant from his duty.

34. Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of any thing done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Voluntarily causing grievous hurt to deter public servant from his duty.

35. Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of any thing done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Voluntarily causing hurt on provocation.

36. Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Causing grievous hurt on provocation.

37. Whoever causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to two thousand Rupees, or with both.

Causing grievous hurt by an act which indicates a want of due regard for the safety of others.

38. Whoever causes grievous hurt to any person by any act which is so rash or negligent as to indicate a want of due regard for the safety of others, shall be punished with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand Rupees, or with both.

Causing hurt by an act which indicates a want of due regard for human life.

39. Whoever causes hurt to any person by any act so rash or negligent as to indicate a want of due regard for human life, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five hundred Rupees, or with both.

Punishment for act which indicates a want of due regard for life or personal safety of others.

40. Whoever does any act so rash or negligent as to indicate a want of due regard for human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to two hundred and fifty Rupees, or with both.

OF WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT.

Wrongful restraint.

41. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception. The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this Clause.

Illustrations.

(a) A builds a wall across a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(b) A illegally omits to take proper order with a furious buffalo which is in his possession, and thus voluntarily deters Z from passing a road along which Z has a right to pass. A wrongfully restrains Z.

(c) A threatens to set a savage dog at Z, if Z goes along a path along which Z has a right to go. Z is thus prevented from going along that path. A wrongfully restrains Z.

Wrongful confinement.

42. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) In the last illustration, if there is in some nook of the walled space a door which is not secured, but which may easily escape observation, if A voluntarily cause it to appear to Z to be impossible to proceed beyond the line of wall, A has wrongfully confined Z.

(c) A places men with fire arms at the outlets of a building and tells Z that they will fire at Z, if Z attempts to leave the building. A wrongfully confines Z.

Punishment for wrongful restraint.

43. Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Punishment for wrongful confinement.

44. Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Wrongful confinement for three or more days.

45. Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

46. Whoever wrongfully confines any person for ten days, or more, shall be punished with imprisonment of either description for a term which may extend to three years, either with or without the addition of a term not exceeding three days for every day of such wrongful confinement, and shall also be liable to fine.

Wrongful confinement for ten or more days.

47. Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to three years in addition to any term of imprisonment to which he may be liable under any other Clause of this Chapter.

Wrongful confinement of person for whose liberation a writ has been issued.

48. Whoever unlawfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any other punishment to which he may be liable for such wrongful confinement.

Unlawful confinement in secret.

49. Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined or any person interested in such person to do any thing illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting property or constraining to an illegal act.

50 Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting confession or of compelling restoration of property.

51. Whoever, while keeping any person in wrongful confinement, knowing a certain thing to be necessary to prevent the person confined from being in danger of death, or hurt, voluntarily omits to furnish that thing to the person confined, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Wrongful confinement and omission to furnish to person confined a certain thing necessary to prevent death or hurt.

Illustration.

Z's eyes are in such a state as to require constant medical care. A wrongfully confines Z, and knowing that without medical attendance Z is likely to lose his eye-sight, omits to procure such medical attendance. A has committed the offence defined in this Clause. If Z loses his eye-sight, A has by an illegal omission voluntarily caused Z to lose his eye-sight, and has thus become liable to the punishment of having voluntarily caused grievous hurt to Z.

OF CRIMINAL FORCE AND ASSAULT

52. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with any thing which that other is wearing or carrying or with anything so situated that such contact affects that other's sense of feeling: provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described.

Force.

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly. By inducing any animal to move, to change its motion, or to cease to move.

53. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Criminal force.

Illustrations.

(*a*) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force may cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(*b*) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing animals to change their motion. A has therefore used force to Z, and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(*c*) Z is riding in a palanquin. A, intending to rob Z, seizes the pole, and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(*d*) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z: he has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(*e*) A throws a stone intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water, and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten, or annoy Z, he has used criminal force to Z.

(*f*) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(*g*) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated

hat such contact must affect Z's sense of feeling: A h herefore intentionally used force to Z; and if he has done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

Assault.

54. Whoever makes any gesture, or any preparation, intending or knowing it to be likely that by such gesture or preparation he may cause any person present to apprehend that he who makes that gesture or preparation is about to use force to that other and thereby to affect that other's sense of feeling by bringing any substance into contact with any part of that other's body or any thing which that other is wearing, carrying, or using, is said to commit an assault.

Explanation. Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparations such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

Punishment for using criminal force otherwise than on grave provocation.

55. Whoever uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred Rupees, or with both.

Using criminal force to deter a public servant from discharge of his duty.

56. Whoever uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of any thing done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Using criminal force in attempt to murder.

57. Whoever, in attempting to commit murder, uses criminal force to any person, shall be punished with transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Assault or use of criminal force to a woman with intent to outrage her modesty.

58. Whoever assaults or uses criminal force to any woman, intending or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Assault or criminal force with intent to dishonor a person, otherwise than on grave provocation.

59. Whoever assaults or uses criminal force to any person, intending thereby to dishonor that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Assault or criminal force in attempt to commit theft of property carried by a person.

60. Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Assault or criminal force in attempt wrongfully to confine person.

61. Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Using criminal force on grave provocation.

62. Whoever uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

Punishment for assault in cases not specially provided for, when the assault is not on grave provocation.

63. Whoever, in any case not specially provided for, assaults any person except on grave and sudden provocation given by the person upon whom the assault is committed, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred Rupees, or with both.

OF KIDNAPPING, FORCIBLE ABDUCTION, SLAVERY, AND FORCED LABOR.

Kidnapping.

64. Kidnapping is of two kinds: kidnapping from British India, and kidnapping from lawful guardianship.

Kidnapping from British India.

65. Whoever conveys or entices beyond the limits of British India, or takes or entices on board of any vessel with the intention of conveying or causing to be conveyed beyond such limits, any person without the consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from British India.

Kidnapping from lawful guardianship.

66. Whoever takes or entices any minor under fourteen years of age, out of the keeping of the lawful guardian of such minor without the consent of such guardian, is said to kidnap that minor from lawful guardianship.

Exception. This Clause does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

Abduction.

67. Whoever by the use of criminal force, compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Punishment for kidnapping.

68. Whoever kidnaps any person from British India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

69. Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with transportation for life or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Kidnapping or abducting in order to murder.

Illustrations.

(*a*) A kidnaps Z from British India, intending or knowing it to be likely that Z may be sacrificed to an Idol. A has committed the offence defined in this Clause.

(*b*) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this Clause.

70. Whoever abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abduction with intent secretly and wrongfully to confine a person.

71. Whoever abducts or kidnaps any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be defiled or forced or seduced to illicit intercourse, or knowing it to be likely that she will be defiled, or forced, or seduced, or enticed to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Abducting or kidnapping a woman to compel her marriage or to cause her defilement.

72. Whoever kidnaps any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Kidnapping in order to subject a person to grievous hurt, slavery, &c.

73. Whoever, knowing that any person has been kidnapped or abducted for an unlawful purpose, conceals such person, or keeps such person in confinement, shall be punished in the same manner as if the offender had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

Concealing or keeping in confinement a kidnapped person.

74. Whoever imports, exports, removes, buys, sells, or disposes of, as a slave, or accepts, receives, or detains as a slave any person, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Buying or disposing of any person as a slave.

75. Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding seven years, and shall also be liable to fine.

Habitual dealing in slaves.

76. Whoever unlawfully compels any person to labor against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, and shall also be liable to fine.

Unlawful compulsory labor.

If, in committing an offence under this Clause, the offender is guilty of any other offence, the punishment shall be cumulative.

Cumulative punishment.

OF RAPE.

77. A man is said to commit "rape," who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions :

Rape.

First. Against her will ;

Secondly. Without her consent, while she is insensible ;

Thirdly. With her consent, when her consent has been obtained by putting her in fear of death, or of hurt.

Fourthly. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man, to whom she is or believes herself to be lawfully married ;

Fifthly. With or without her consent, when she is under nine years of age.

Explanation. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception. Sexual intercourse by a man with his own wife, the wife not being under nine years of age, is not rape.

78. Whoever commits rape shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment for rape.

OF UNNATURAL OFFENCES.

79. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Unnatural offences.

Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this Clause.

Chapter XVII.

OF OFFENCES AGAINST PROPERTY.

OF THEFT.

1. Whoever, intending to take fraudulently any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Theft.

Explanation 1. A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft ; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2. A thing, which is attached to the earth, becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 3. A moving, effected by the same act which effects the severance, may be a theft.

Explanation 4. A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 5. A person, who by any means causes an animal to move, is said to move that ani-

mal, and to move every thing which, in consequence of the motion so caused, is moved by that animal.

Explanation 6. The consent mentioned in the definition may be express, or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(*a*) A cuts down a tree on Z's ground, with the intention of fraudulently taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.

(*b*) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be fraudulently to take the dog out of Z's possession without Z's consent. A has committed theft as soon as Z's dog has began to follow A.

(*c*) A drives Z's sheep before him, with the intention of fraudulently taking them out of Z's possession, without Z's consent. As soon as any sheep begins to move in the direction in which A intended that it should move, A has committed theft.

(*d*) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may fraudulently take the treasure. As soon as the bullock begins to move, A has committed theft on the treasure.

(*e*) A being Z's servant and intrusted by Z with the care of Z's plate, fraudulently runs away with the plate, without Z's consent. Here, the plate, till carried off by A, was still in Z's possession, though it was also in A's possession. A has therefore committed theft.

(*f*) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a gold smith and sells it. Here, the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(*g*) A finds a ring belonging to Z on a table in the house which Z occupies. Here, the ring is in Z's possession, and if A fraudulently removes it, A commits theft.

(*h*) A finds a ring lying on the high-road, not in the possession of any person. A by taking it commits no theft, though he may commit criminal misappropriation of property.

(*i*) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place, and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(*j*) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass, and assault, has not committed theft, inasmuch as what he did was not done fraudulently.

(*k*) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of keeping Z out of the money due to him, he commits theft, inasmuch as he takes it fraudulently.

(*l*) Again if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed on the watch, he commits theft though the watch is his own property, inasmuch as he takes it fraudulently.

(*m*) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here, A takes fraudulently; A has therefore committed theft.

(*n*) A, being exasperated at a passage in a book which is lying on the counter of Z, a bookseller, snatches it up, and tears it to pieces. A has not committed theft, as he has not acted fraudulently, though he may have committed criminal trespass and mischief.

(*o*) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(*p*) A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(*q*) A is the paramour of Z's wife. She gives A valuable property which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property, he commits theft.

(*r*) A in good faith believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take fraudulently, he does not commit theft.

Punishment for theft.

2. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Theft by clerk or servant of property in possession of master.

3. Whoever being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine or both.

Theft after preparation made for causing death or hurt in order to the committing of the theft.

4. Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Illustrations.

(*a*) A commits theft on property in Z's possession; and, while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting or terrifying Z in case Z should resist. A has committed the offence defined in this Clause.

(*b*) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this Clause.

OF EXTORTION.

Extortion.

5. Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby fraudulently induces the person so put in fear to deliver to any person any property or valuable security or any thing signed or sealed which may be converted into a valuable security, commits "extortion."

Illustrations.

(*a*) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(*b*) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(*c*) A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B. Z signs and delivers the bond. A has committed extortion.

(*d*) A by putting Z in fear of grievous hurt fraudulently induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

Punishment for extortion.

6. Whoever commits extortion, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Putting person in fear of injury in order to commit extortion.

7. Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Extortion by putting person in fear of death or grievous hurt.

8. Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to

fourteen years and sha'l not be less than five, and shall also be liable to fine

Putting person in fear of death or of grievous hurt in order to commit extortion.

9. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years and shall not be less than three, and shall also be liable to fine.

Extortion by threat of accusation of an offence punishable with death or transportation, &c.

10. Whoever commits extortion by putting any person in fear of an accusation, against that person or any other, of having committed or attempted to commit any offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years and shall not be less than five, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Putting person in fear of accusation of offence in order to commit extortion.

11. Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed or attempted to commit an offence punishable with death or transportation for life, or with imprisonment for a term which may extend to fourteen years and shall not be less than three, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

OF ROBBERY AND DACOITY

Robbery.

12. In all robbery there is either theft or extortion.

When theft is robbery.

Theft is "robbery", if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint or fear of instant death or of instant hurt, or of instant wrongful restraint.

When extortion is robbery.

Extortion is "robbery", if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person, or to some other person present at the time of committing the extortion, and, by so putting in fear, induces the person so put in fear then and there to deliver up any property.

Illustrations.

(*a*) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here, A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(*b*) A meets Z on the high road, shews a pistol, and demands Z's purse. Z surrenders his purse. Here, A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(*c*) A meets Z, and Z's child, on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.

(*d*) A obtains property from Z by saying—"your child is in the hands of my gang, and will be put to death unless you send us ten thousand Rupees." This is extortion, and punishable as such; but it is not robbery.

Dacoity.

13. When five or more persons, conjointly, commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting, or aiding, is said to commit "Dacoity."

Punishment for robbery.

14. Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Attempt to commit robbery.

15. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing hurt in committing robbery.

16. If any person, in committing or in attempting to commit robbery voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment dacoity.

17. Whoever commits dacoity shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years, and shall also be liable to fine.

Dacoity with murder.

18. If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or transportation for life, or rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Robbery or dacoity with attempt to cause death or grievous hurt.

19. If, at the time of committing robbery or dacoity, the offender uses any deadly weapon or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Attempt to commit robbery or dacoity when armed with deadly weapon.

20. If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than five years.

Making preparation to commit dacoity.

21. Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment for belonging to a gang of dacoits.

22. Whoever belongs to a gang of persons associated for the purpose of habitually committing dacoities, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years and shall not be less than seven years, and shall also be liable to fine.

23. Whoever belongs to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery and not being a gang of thugs or dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Punishment for belonging to a wandering gang of thieves.

24. Whoever is one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Assembling for purpose of committing dacoity.

25. Whoever fraudulently misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulent misappropriation of property.

Illustrations.

(*a*) A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, fraudulently appropriates the property to his own use, he is guilty of an offence under this Clause.

(*b*) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this Clause.

(*c*) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not fraudulently misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this Clause.

Explanation 1. A fraudulent misappropriation for a time only is a misappropriation within the meaning of this Clause.

Illustration.

A finds a Government paper belonging to Z, bearing a blank endorsement. A, knowing that the paper belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this Clause.

Explanation 2. A person who finds property not in the possession of any other person and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it fraudulently, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it: it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

Illustrations.

(*a*) A finds a Rupee on the high road, not knowing to whom the Rupee belongs. A picks up the Rupee. Here A has not committed the offence defined in this Clause.

(*b*) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this Clause.

(*c*) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favor the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this Clause.

(*d*) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this Clause.

(*e*) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this Clause.

(*f*) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this Clause.

26. Whoever fraudulently misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent misappropriation of property possessed by a deceased person at the time of his death.

Illustration.

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, fraudulently misappropriates it. A has committed the offence defined in this Clause.

OF CRIMINAL BREACH OF TRUST.

27. Whoever, being in any manner entrusted with property or with any dominion over property, fraudulently converts or appropriates that property to his own use, or knowingly and dishonestly uses or disposes of that property, in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

Criminal breach of trust.

Illustrations.

(*a*) A, being executor to the will of a deceased person, fraudulently disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.

(*b*) A is a warehouse keeper. Z going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A fraudulently sells the goods. A has committed criminal breach of trust.

(*c*) A, residing in Calcutta, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits a lac of Rupees to A, with directions to A to invest the same in Company's paper. A fraudulently disobeys the directions, and employs the money in his own business. A has committed criminal breach of trust.

(*d*) But if A, in the last illustration, not fraudulently, but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal, disobeys Z's directions, and buys shares in the Bank of Bengal for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a Civil action against A on account of that loss, yet A, not having acted fraudulently, has not committed criminal breach of trust.

(*e*) A, a revenue officer, is entrusted with public money, and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. A fraudulently appropriates the money. A has committed criminal breach of trust.

28. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for criminal breach of trust.

29. Whoever, being a clerk or servant or employed as a clerk or servant and being in any manner entrusted in such capacity with property or with any dominion over pro-

Criminal breach of trust by a clerk or servant.

perty, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Criminal breach of trust by public servant, or by banker, merchant, or agent.

30. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business as a banker, merchant, broker, attorney, or agent, commits criminal breach of trust in respect of that property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

OF THE RECEIVING OF STOLEN PROPERTY.

Stolen property.

31. Property the possession whereof has been transferred by theft, or by extortion, or by robbery, or by fraudulent misappropriation of property, or by criminal breach of trust, is designated as "stolen property." But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Fraudulently receiving stolen property.

32. Whoever fraudulently receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Fraudulently receiving property stolen in the commission of a dacoity.

33. Whoever fraudulently receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or fraudulently receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with transportation for life, or with rigorous imprisonment for a term which may extend to fourteen years, and shall also be liable to fine.

Habitually dealing in stolen property.

34. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Assisting in concealment of stolen property.

35. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

OF CHEATING.

Cheating.

36. Whoever, by deceiving any person, fraudulently induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or to make, alter, or destroy the whole or any part of any document or any thing which is signed or sealed and which may be converted into a document, or by any false pretence unlawfully and intentionally induces the person deceived to do or omit to do anything which that person would not do or omit if he were not so deceived and which causes or is likely to cause damage or injury to that person, is said to "cheat."

Explanation. A person may deceive by a fraudulent concealment of facts.

Illustrations.

(*a*) A, by falsely pretending to be a Civil Servant of the East India Company, intentionally deceives Z, and thus fraudulently induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(*b*) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus fraudulently induces Z to buy and pay for the article. A cheats.

(*c*) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby fraudulently induces Z to buy and pay for the article. A cheats.

(*d*) A, by tendering in payment for an article a bill on a house with which A keeps no money and by which A expects that the bill will be dishonored, intentionally deceives Z, and thereby fraudulently induces Z to deliver the article, intending not to pay for it. A cheats.

(*e*) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby fraudulently induces Z to lend money. A cheats.

(*f*) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby fraudulently induces Z to lend him money, A not intending to repay it. A cheats.

(*g*) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby fraudulently induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.

(*h*) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby fraudulently induces Z to pay money. A cheats.

(*i*) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

Cheating by personation.

37. A person is said to "cheat by personation," if he cheats by pretending to be some other person.

Illustrations.

(*a*) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(*b*) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

Punishment for cheating.

38. Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.

39. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates he was bound, either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for cheating by personation.

40. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

41. Whoever cheats and thereby fraudulently induces the person deceived to deliver any property to any person, or to make, alter, or destroy the whole or any part of a valuable security or any thing which is signed or sealed and which may be converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Cheating and fraudulently inducing a delivery of property.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY.

42. Whoever fraudulently removes, conceals, or delivers to any person, or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent removal or concealment of property to prevent distribution among creditors.

43. Whoever fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.

44. Whoever, by any contrivance or misrepresentation, fraudulently prevents any debt or demand due from himself to any person, from being made available according to law for the payment of the debts of such person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently preventing from being made available for creditors a debt due from the offender.

45. Whoever fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge, any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent execution of deed of transfer containing a false statement of consideration.

46. Whoever fraudulently conceals or removes any property of himself or any other person, or fraudulently assists in the concealment or removal thereof, or fraudulently releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent removal or concealment of property.

47. Whoever fraudulently claims any property or any interest therein, knowing that in good faith he has no right to the property or interest claimed, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.

OF MISCHIEF.

48. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction loss of any property, or any injury to any property, or any such change in any property, or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits "mischief."

Mischief.

Explanation 1. It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2. Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations.

(*a*) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.

(*b*) A introduces water into an ice house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.

(*c*) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

(*d*) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing wrongful loss to Z. A has committed mischief.

(*e*) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing wrongful loss to the underwriters. A has committed mischief.

(*f*) A causes a ship to be cast away, intending thereby to cause wrongful loss to Z who has lent money on bottomry on the ship. A has committed mischief.

(*g*) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.

(*h*) A causes cattle to enter upon a field belonging to Z, intending to cause, and knowing that he is likely to cause, damage to Z's crop. A has committed mischief.

49. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Punishment for committing mischief.

50. Whoever commits mischief and thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Committing mischief and thereby causing damage to the amount of 50 Rupees.

51. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any animal or animals of the value of ten Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Mischief by killing or maiming any animal of the value of 10 Rupees.

52. Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of fifty Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by killing or maiming cattle, &c. or any animal of the value of 50 Rupees.

53. Whoever commits mischief by destroying or injuring any river or well or any natural or artificial channel or reservoir of water or any work for the purpose of irrigation, or by wrongfully drawing off or diverting water from such river, well, channel, reservoir, or work, intending thereby to cause a diminution of the supply of water for agricultural purposes, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to works of irrigation or by wrongfully diverting water.

54. Whoever commits mischief by destroying or injuring any public road, bridge, navigable river, or navigable channel, natural or artificial, and thereby renders such road, bridge, river, or channel impassable or less safe for travelling or conveying property thereby, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Mischief by injury to public road, bridge, or river.

55. Whoever commits mischief, and thereby causes an inundation or obstruction to any public drainage attended with injury or damage to the amount of one hundred Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or both.

Mischief by causing inundation or obstruction to public drainage attended with damage to amount of 100 Rupees.

56. Whoever commits mischief by destroying or moving any light-house, or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such light-house, sea-mark, buoy, or other such thing as aforesaid less useful as a guide for navigators, or exhibits any false light-house, sea-mark, or buoy, intending or knowing it to be likely that such false exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.

57. Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Mischief by destroying or moving, &c., a land-mark fixed by public authority.

58. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred Rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to cause damage to amount of 100 Rupees.

59. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a human dwelling or as a place for the custody of property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy a house, &c.

60. Whoever commits mischief on any decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.

61. Whoever commits or attempts to commit such mischief as is described in the last preceding Clause, by fire or any explosive substance, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Punishment for the mischief described in the last Clause when committed by fire or any explosive substance.

62. Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, while committing or attempting to commit such mischief, or while escaping or endeavoring to escape after committing it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Mischief committed after preparation made for causing death or hurt.

OF CRIMINAL TRESPASS.

63. Whoever enters into or upon property in the possession of another with intent to commit an offence, or to intimidate, insult, or annoy any person in possession of such property; or having lawfully entered into or upon such property, unlawfully remains there with such intent—is said to commit "criminal trespass."

Criminal trespass.

64. Whoever commits criminal trespass by entering into or remaining in any building, tent, or vessel, used as a human dwelling, or any building used as a place for worship, or as a place for the custody of property, is said to commit "house-trespass."

House-trespass.

Explanation 1. The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

Explanation 2. A person who enters, not as a house-trespasser, may remain as a house-trespasser.

65. Whoever commits house-trespass, taking precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent, or vessel which is the subject of the trespass, is said to commit "lurking house-trespass."

Lurking house-trespass.

Explanation. A person who enters, not as a lurking house-trespasser, may remain as a lurking house-trespasser.

Lurking house-trespass by night.

66. Whoever commits lurking house-trespass after sun-set and before sun-rise, is said to commit "lurking house-trespass by night."

Explanation. A person who enters, not by night, may remain as a lurking house-trespasser by night.

House-breaking.

67. A person is said to commit "house-breaking," who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:—

First. If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

Secondly. If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

Thirdly. If he enters through any passage which he or any abettor of the house-trespass has opened in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened.

Fourthly. If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

Fifthly. If he effects his entrance or departure by using criminal force or committing an assault, or by making shew of assault, or by threatening any person with assault.

Sixthly. If he enters or quits by any passage which he knows to have been fastened against such entrance or departure and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation. Any out-house or building occupied with a house, and between which and such house there is an immediate communication, is part of the house within the meaning of this Clause.

Illustrations.

(*a*) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.

(*b*) A commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.

(*c*) A commits house-trespass by entering Z's house through a window. This is house-breaking.

(*d*) A commits house-trespass by entering Z's house through the door, having opened the door with a false key. This is house-breaking.

(*e*) A commits house-trespass by entering Z's house through the door, having lifted the latch by putting a wire through a hole in the door. This is house-breaking.

(*f*) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.

(*g*) Z is standing in his door-way. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.

(*h*) Z, the porter of Y, is standing in Y's door-way. A commits house-trespass by entering the house, having deterred Z from opposing him by shaking a stick at Z. This is house-breaking.

House-breaking by night.

68. Whoever commits house-breaking after sun-set and before sun-rise, is said to commit "house-breaking by night."

Punishment for criminal trespass.

69. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five hundred Rupees, or with both.

Punishment for house-trespass.

70. Whoever commits house-trespass, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand Rupees, or with both.

Cumulative punishment when house-trespass is committed with another offence.

71. If any person commits house-trespass in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

House-trespass accompanied by an act done towards the commission of an offence punishable with death.

72. Whoever commits house-trespass in order to the committing of any offence punishable with death, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with transportation for life, or with rigorous imprisonment for a term not exceeding fourteen years and which must not be less than seven years, and shall also be liable to fine.

House-trespass accompanied by an act done towards the commission of an offence punishable with transportation for life.

73. Whoever commits house-trespass in order to the committing of any offence punishable with transportation for life, and does any act towards the commission of such offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term not exceeding fourteen years and which must not be less than five years, and shall also be liable to fine.

House-trespass accompanied by an act done towards the commission of an offence punishable with imprisonment.

74. Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of such offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to one year, to which may be added a term not exceeding one-third of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed the house-trespass, and shall also be liable to fine.

House-trespass after preparation made for causing hurt to any person.

75. Whoever commits house-trespass having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint in order to the committing of such house trespass, or during the continuance of such house trespass, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

76. Whoever commits lurking house-trespass, or house-breaking, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking.

77. If any person commits lurking house-trespass, or house-breaking, in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

Cumulative punishment when lurking house-trespass is committed with another offence.

78. Whoever commits lurking house-trespass, or house-breaking, in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to two years, to which may be added a term which may extend to one-half of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed such lurking house-trespass or house-breaking, and shall also be liable to fine.

Lurking house-trespass or house-breaking accompanied by an act done towards the commission of an offence punishable with imprisonment.

79. Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, in order to the committing of such lurking house-trespass, or house-breaking, or during the continuance of the house-trespass which has been begun by such lurking house-trespass, or house-breaking, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.

80. Whoever commits lurking house-trespass by night, or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking by night.

81. If any person commits lurking house-trespass by night, or house-breaking by night in order to the committing of any other offence, and actually commits that other offence, the punishment shall be cumulative.

Cumulative punishment when lurking house-trespass or house-breaking by night is committed with another offence.

82. Whoever commits lurking house-trespass by night, or house-breaking by night, in order to the committing of any offence punishable with imprisonment, and does any act towards the commission of that offence, shall, if that offence is not committed, be punished with imprisonment of either description for a term which may extend to three years, added to a term which may extend to two-thirds of the longest time for which he would have been liable to be imprisoned if he had committed the offence in order to the committing of which he committed such lurking house-trespass by night, or house-breaking by night.

Lurking house-trespass by night or house-breaking by night after preparation made for causing hurt to any person.

83. Whoever commits lurking house-trespass by night, or house-breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, in order to the committing of such house-trespass, or during the continuance of the house-trespass which has been begun by such lurking house-trespass by night, or house-breaking by night, shall be punished with transportation for life or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Grievous hurt caused whilst committing lurking house-trespass or house-breaking.

84. Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and which must not be less than seven years, and shall also be liable to fine.

Fraudulently breaking open any closed receptable containing or supposed to contain property.

85. Whoever fraudulently, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Punishment for same offence when committed by person entrusted with custody.

86. Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, fraudulently, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

umulative punishment.

87. Whoever commits the offence defined in Clause 85 or 86, and also commits any offence in regard to any property contained in the receptacle, shall be liable to cumulative punishment.

Chapter XVIII.

OF OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

Forgery.

1. Whoever makes any false document or part of a document with intent to cause damage or injury to the public, or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, commits forgery.

Making a false document.

2. A person is said to make a false document,

First.—Who makes, signs, seals, or executes a document or part of a document or makes any mark denoting the execution of a document with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed by, or by the authority of a person by whom or by whose authority he

knows that it was not made, or at a time at which he knows that it was not made ; or

Secondly.—Who, without lawful authority, by cancellation or otherwise, alters a document in any material part thereof after it has been exe cuted either by himself or by any other person whether such person be living or dead at the time ; or

Thirdly. Who voluntarily causes any person to sign, seal, execute, or alter a document knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or the nature of the alteration.

Illustrations.

(*a*) A has a letter of credit upon B for Rupees 10,000 written by Z. A in order to defraud B adds a cypher to the 10,000 and makes the sum 100,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.

(*b*) A without Z's authority affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A with the intention of selling the estate to B and thereby of obtaining from B the purchase money. A has committed forgery.

(*c*) A picks up a cheque on a Banker signed by B payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand Rupees A commits forgery.

(*d*) A leaves with B, his agent, a cheque on a Banker signed by A without inserting the sum payable, and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand Rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand Rupees. B commits forgery.

(*e*) A draws a Bill of Exchange on himself in the name of B without B's authority, intending to discount it as a genuine Bill with a Banker and intending to take up the Bill on its maturity. Here, as A draws the Bill with intent to deceive the Banker by leading him to suppose that he had the security of B and thereby to discount the Bill, A is guilty of forgery.

(*f*) Z's will contains these words—"I direct that all my remaining property be equally divided between A, B, and C" A scratches out B's name, intending that it my be believed that the whole was left to himself and C. A has committed forgery.

(*g*) A endorses a Government Promissory Note and makes it payable to Z or his order by writing on the Bill the words "Pay to Z or his order" and signing the endorsement. B erases the words "Pay to Z, or his order" and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(*h*) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(*i*) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(*j*) A having engaged to write Z's will according to Z's direction, and being directed by Z to write that Z leaves the residuum of his property equally between I, K, and L, intentionally omits the name of K, and by inducing Z to believe that the will was drawn according to his instruction, causes Z to execute it, intending that it may be believed that the document is made according to Z's direction. A has committed forgery.

Explanation. A person may commit forgery by signing his own name to a document.

Illustrations.

(*a*) A signs his own name to a Bill of Exchange, intending that it may be believed that the Bill was drawn by another person of the same name. A has committed forgery under the first head of the definition.

(*b*) A writes the word "accepted" on a piece of paper and signs it with Z's name in order that B may afterwards write on the paper a Bill of Exchange drawn by B upon Z and negociate the Bill as though it had been accepted by Z. A is guilty of forgery ; and if B draws the Bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(*c*) A picks up a Bill of Exchange payable to the order of a different person of the same name. A endorses the Bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable : here A has committed forgery.

(*d*) A purchases an estate sold under execution of a decree against B. B after the seizure of the estate, in collusion with Z executes a lease of the estate to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure with intent to defraud A and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery, by antedating it.

(*e*) A, a trader in anticipation of insolvency, lodges effects with B for A's benefit and with intent to defraud his creditors, and in order to give a colour to the transaction, writes a Promissory Note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Punishment for forgery.

3. Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation. A person may be guilty of forgery by making a false document in the name of a fictitious person intending it to be believed that the document was made by a real person.

Illustration.

A draws a Bill of Exchange upon a fictitious person and fraudulently accepts the Bill in the name of such fictitious person with intent to negociate it. A commits forgery.

Forging or using a forged document with intent to injure or deceive.

4. Whoever, with the intention of causing damage or injury to any person, or of practising any deception upon any person and by means of such deception causing such person to do any thing which he would not otherwise do, forges any document or uses as genuine any document which he knows to be forged, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both.

Illustrations.

(*a*) A writes a letter and signs it with B's name without B's authority certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.

(*b*) A without B's authority writes a letter and signs in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate and thereby to induce Z to enter into an expressed or implied contract of service.

Forgery of a record of a Court of Justice, or of a public Register of Births, &c.

5. Whoever forges a document, purporting to be a record or proceeding of a Court of Justice, or a Register of Birth, Baptism, Marriage, or Burial, kept by a public servant, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery of a valuable security or will.

6. Whoever forges a document which purports to be a valuable security or a will, or which purports to give authority to any person to make or transfer any valuable security or to receive the principal, interest, or dividends thereon, or to receive any money, goods, or valuable security, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Forgery for the purpose of cheating.

7. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery for the purpose of harming the reputation of any person.

8. Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be

punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

"A forged document."

9. A false document made wholly or in part by forgery is designated "a forged document."

Uttering or using as genuine a forged document.

10. Whoever utters or uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable under Clause 6.

11. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under Clause 6 of this Chapter, or with such intent has in his possession any such seal, plate, or other instrument knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable otherwise.

12. Whoever makes or counterfeits any seal, plate, or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any Clause of this Chapter other than Clause 6, or with such intent has in his possession any such seal, plate, or other instrument knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Having possession of a valuable security or will known to be forged with intent to use it as genuine.

13. Whoever has in his possession any document which he knows to be forged and which is or purports to be a valuable security or a will, or which gives or purports to give any such authority as is mentioned in Clause 6 of this Chapter, with intent that the same shall be used or uttered as genuine, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents described in Clause 6 or possessing counterfeit marked material.

14. Whoever counterfeits, upon or in the substance of any material, any device or mark used for the purpose of authenticating any document described in Clause 6 of this Chapter, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.

15. Whoever counterfeits, upon or in the substance of any material, any device or mark used for the purpose of authenticating any document other than the documents described in Clause 6 of this Chapter, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged, or such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulent cancellation, destruction, &c. of a will.

16. Whoever fraudulently, or with intent to cause damage or injury to the public or to any person, cancels, destroys, or defaces, or attempts to cancel, destroy, or deface, or secretes or attempts to secrete any document which is or purports to be a will, or commits mischief in respect to such document, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Fraudulent cancellation, destruction, &c. of a valuable security.

17. Whoever fraudulently, or with intent to cause damage or injury to the public or to any person, destroys or defaces, or attempts to destroy or deface, or secretes or attempts to secrete any document which purports to be a valuable security, or commits mischief in respect to such document, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

OF TRADE AND PROPERTY-MARKS.

Trade-Mark.

18. A mark used for denoting that goods have been made or manufactured by a particular person or at a particular time or place, or that they are of a particular quality, is called a trade-mark.

Property-mark.

19. A mark used for denoting that moveable property belongs to a particular person is called a property-mark.

Using a false trade-mark.

20. Whoever marks any goods or any case, package, or other receptacle containing goods, or uses any case, package, or other receptacle with any mark thereon, with the intention of causing it to be believed that the goods so marked, or any goods contained in any such case, package, or receptacle so marked, were made or manufactured by any person by whom they were not made or manufactured, or that they were made or manufactured at any time or place at which they were not made or manufactured, or that they are of a particular quality of which they are not, is said to use a false trade-mark.

Using a false property-mark.

21. Whoever marks any moveable property or goods, or any case, package, or other receptacle containing moveable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked or any property or goods contained in any case, package, or other receptacle so marked,

belong to a person to whom they do not belong, is said to use a false property-mark.

Punishment for using a false trade or property-mark with intent to deceive or injure any person.

22. Whovever uses any false trade-mark or any false property-mark with intent to deceive or injure any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting a tradeorproperty-mark ordinarily used by another, with intent to cause damage or injury.

23. Whoever, with intent to cause damage or injury to any person, knowingly counterfeits any trade or property-mark ordinarily used by any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.

24. Whoever, with intent to cause damage or injury to any person, knowingly counterfeits any property-mark ordinarily used by a public servant, or any mark ordinarily used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the same is of a particular quality or has passed through a particular office or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.

25. Whoever makes or has in his possession any die, plate, or other instrument for the purpose of making or counterfeiting any public or private property or trade-mark with intent to use the same for the purpose of counterfeiting such mark, or has in his possession any such property or trade-mark with intent that the same shall be used for the purpose of denoting that any goods or merchandize were made or manufactured by any particular person or firm by whom they were not made or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Knowingly selling goods marked with a counterfeit property or trade-mark.

26. Whoever sells any goods with a counterfeit property or trade-mark, whether public or private, affixed to or impressed upon the same or upon any case, wrapper, or receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandize not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, or that they are entitled to any exemption, with intent to deceive or injure or damage any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Fraudulently making a false mark upon any package or receptacle containing goods

27. Whoever fraudulently makes any false mark upon any package or receptacle containing goods, with intent to cause any public servant or any other person to believe that such package or receptacle contains goods which it does not contain, or that it does not contain goods which it does contain, or that the goods contained in such package, case, or receptacle are of a nature different from the real nature thereof, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Punishment for making use of any such false mark.

28. Whoever fraudulently makes use of any such false mark with the intent last aforesaid, knowing such mark to be false, shall be punished in the manner mentioned in the last preceding Clause.

Defacing any property-mark with intent to cause injury.

29. Whoever removes, destroys, or defaces any property-mark intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Chapter XII.

OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

Breach of contract of service during a voyage or journey.

1. Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person, or any property, from one place to another place, or to act as servant to any person during a voyage or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred Rupees, or with both.

Illustrations.

(*a*) A, a palanquin bearer, being bound by legal contract to carry Z from one place to another, runs away in the middle of the stage. A has committed the offence defined in this Clause.

(*b*) A, a cooly, being bound by lawful contract to carry Z's baggage from one place to another, throws the baggage away. A has committed the offence defined in this Clause.

(*c*) A, a proprietor of bullocks, being bound by legal contract to convey goods on his bullocks from one place to another, illegally omits to do so. A has committed the offence defined in this Clause.

(*d*) A by lawful means compels B, a cooly, to carry his baggage. B in the course of the journey puts down the baggage and runs away. Here as B was not lawfully bound to carry the baggage, he has not committed any offence.

Explanation. It is not necessary to this offence that the contract should be made with the person for whom the service is to be performed. It is sufficient if the contract is legally made with any person, either expressly or impliedly, by the person who is to perform the service.

Illustration.

A contracts with a Dâk Company to drive his carriage for a month. B employs the Dâk Company to convey him on a journey, and during the month the Company supplies B with a carriage which is driven by A. A in the course of the journey voluntarily leaves the carriage. Here, although A did not contract with B, A is guilty of an offence under this Clause.

2. Whoever, being bound by a lawful contract entered into in British India to serve on board of any vessel, voluntarily leaves that vessel, or remains absent from that vessel, or refuses to perform his duty on board that vessel, except in the case of ill-treatment, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred Rupees, or with both.

Breach of contract made in India to serve on board of vessel.

3. Whoever, being bound by a lawful contract to attend on any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety, or to supply the wants of any such person, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred Rupees, or with both.

Breach of contract to attend on and supply the wants of helpless persons.

4. Whoever, by lawful contract in writing, being bound to render personal service to another for a period not less than one year nor more than three years at a distant place to which by virtue of the contract he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract or refuses to perform the service which he has contracted to perform, shall be punished with imprisonment of either description for a term not exceeding six months, or with fine not exceeding treble the amount of such expense, or with both; unless it shall appear that the employer has ill-treated him or neglected to perform the contract on his part.

Breach of a contract to serve at a distant place to which the servant is conveyed at the master's expense.

Chapter XX.

OF OFFENCES RELATING TO MARRIAGE.

1. Every man who by deceit causes any woman, who is not lawfully married to him, to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

2. Every woman who by deceit causes any man, who is not lawfully married to her, to believe that he is lawfully married to her and to cohabit with her in consequence of that belief, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Cohabitation caused by a woman deceitfully inducing a belief of lawful marriage.

3. Whoever, having a husband or wife living, marries, in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Marrying again during the life time of a husband or wife.

Exception.—This Clause does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time; provided the person contracting such subsequent marriage informs the person with whom such subsequent marriage is contracted, of the real state of facts so far as the same are within his or her knowledge.

4. Whoever commits the offence defined in the last preceding Clause having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.

5. Whoever, fraudulently or with intent to cause a woman to cohabit or have sexual intercourse with him, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Marriage ceremony gone through with fraudulent intent to induce cohabitation without lawful marriage.

6. Whoever has sexual intercourse with the wife of another man without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Adultery.

7. Whoever entices or takes away a married woman living under the protection of her husband or of any person having the care of her on his behalf, or conceals or detains any married woman from her husband with intent that she may have illicit intercourse with any person, or knowing it to be likely that she will have such illicit intercourse with any person, or conceals or detains any married woman from her husband with such intent or knowledge, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Enticing or taking away a married woman.

Explanation. No prosecution for the offences defined in Clauses 6 and 7 shall be instituted except by the husband of the woman.

Chapter XXI.

OF DEFAMATION.

1. Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases excepted in the ten Clauses next following, to defame that person.

Defamation.

Explanation 1. A person may be guilty of defamation by means of an imputation upon a deceased person, if the imputation would harm the reputation of that person if living, and is hurtful to the feelings of his family or other near relatives.

Explanation 2. A person may be guilty of defamation by means of an imputation concerning

a company or an association or collection of persons as such.

Explanation 3. An imputation in the form of an alternative or expressed ironically may amount to defamation.

Explanation 4. No imputation is said to harm a person's reputation unless that imputation directly or indirectly lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state or in a state generally considered as disgraceful.

Illustrations.

(*a*) A says—"Z is an honest man; he never stole B's watch;" intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.

(*b*) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

(*c*) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

Imputation of any truth which the public good requires to be made or published.

2. *First Exception.* It is not defamation to impute any thing which is true concerning any person if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Public conduct of public servants.

3. *Second Exception.* It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character so far as his character appears in that conduct, and no further.

Conduct of any person touching any public question.

4. *Third Exception.* It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character so far as his character appears in that conduct, and no further.

Illustration.

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such a meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

Publication of reports of proceedings of Courts of Justice.

5. *Fourth Exception.* It is not defamation to publish a substantially true report of the proceedings of a Court of Justice or of the result of any such proceedings: but in any case in which the Court before which such proceedings is had shall by order have prohibited the publication of the proceedings, it may be defamation to publish such report before the prohibition has been withdrawn or the case has been finally disposed of by that Court, or in the case of proceedings preliminary to a trial in another Court, before the conclusion of the trial.

Explanation. A Justice of the Peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice is a Court within the meaning of the above Clause.

Merits of a case decided in a Court of Justice; or conduct of witnesses and others concerned therein.

6. *Fifth Exception.* It is not defamation to express in good faith any opinion whatever respecting the merits of any case, Civil or Criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party witness, or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations.

(*a*) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception if he says this in good faith; inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(*b*) But if A says—"I do not believe what Z asserted at that trial, because I know him to be a man without veracity;"—A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's conduct as a witness.

Merits of a public performance.

7. *Sixth Exception.* It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation. A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations.

(*a*) A person who publishes a book, submits that book to the judgment of the public.

(*b*) A person who makes a speech in public, submits that speech to the judgment of the public.

(*c*) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(*d*) A says of a book published by Z. "Z's book is foolish, Z must be a weak man. Z's book is indecent, Z must be a man of impure mind." A is within this exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(*e*) But if A says—"I am not surprised that Z's book is foolish, and indecent, for he is a weak man, and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

Censure passed in good faith by a person having lawful authority over another.

8. *Seventh Exception.* It is not defamation in a person having over another any authority, either conferred by law, or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration.

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his Bank for the conduct of such cashier as such cashier—are within this exception.

Accusation preferred in good faith to a duly authorized person.

9. *Eighth Exception.* It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.

Illustration.

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father; A is within this exception.

Imputation made in good faith by a person for the protection of his interests in the management of his concerns.

10. *Ninth Exception.* It is not defamation in a person giving directions for the management of his concerns to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interests of the person making it.

Illustration.

A, a shopkeeper, says to B, who manages his business, "Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith, for the protection of his own interests.

Caution intended for the good of the person to whom it is conveyed.

11. *Tenth Exception.*—It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed or of some person in whom that person is interested.

Punishment for defamation.

12. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Printing or engraving matter known to be defamatory.

13. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Sale of printed or engraved substance containing defamatory matter.

14. Whoever sells or offers for sale any printed engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or both.

Chapter XXII.

OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

Criminal intimidation.

1. Whoever threatens another with any injury to his person, reputation, or property, or to the person, reputation, or property of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation. A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this Clause.

Illustration.

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

Punishment for criminal intimidation.

2. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or both; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or transportation, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or both.

If threat be to cause death or grievous hurt, &c.

Criminal intimidation by anonymous communication.

3. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding Clause.

Act caused by inducing a person to believe that he will be rendered an object of the divine displeasure.

4. Whoever voluntarily causes or attempts to cause any person to do any thing which that person is not legally bound to do, or to omit to do any thing which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both.

Illustrations.

(*a*) A sits Dhurna at Z's door with the intention of causing it to be believed that by so sitting he renders Z an object of divine displeasure. A has committed the offence defined in this Clause.

(*b*) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of divine displeasure. A has committed the offence defined in this Clause.

Word or gesture intended to insult the modesty of a woman.

5. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both.

Misconduct in public by a drunken person.

6. Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten Rupees, or with both.

Chapter XXIII.

OF ATTEMPTS TO COMMIT OFFENCES.

Punishment for attempting to commit offences punishable with imprisonment.

Whoever attempts to commit an offence punishable by this Code with imprisonment and in such attempt does any act towards the commission of the offence but involuntarily fails or is intercepted or prevented from carrying his intention into execution, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(*a*) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this Clause.

(*b*) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket: A is guilty under this Clause.

W. MORGAN,
Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, JANUARY 28, 1857.

Land-Sale Notices.

NOTICE is hereby given, that the under-mentioned Estate in Zillah Furreedpore, will be put up to public and unreserved Sale, at the Deputy Collector's Office of that District, on 10th February 1857, or 29th Magh 1263 B. S., for Arrears of Revenue:

Class II.—Temporary-settled Estates.

No. 274.—Mouzah Hureenaparrah in Chur 50,000 Beegah Mehal; recorded proprietors, Bhom Narain Roy, Harrender Narain, and Roopender Roy; sudder jumma, Rupees 35-8-6.

عبد الجبار

Deputy Collector, in charge.

FURREEDPORE;
Deputy Collector's Office,
The 13th January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Rungpore, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Wednesday, the 11th February 1857, or 1st Falgoon 1263 B. S., for Arrears of Revenue:

Class I.—Permanently-settled Estates.

No. 277.—Kismut Dulgong, in Chackla Carzeehaut; recorded proprietor, Bishenmoyee Debea; sudder jumma, Rupees 32-14-0.

No. 444.—Talook Panee Macher Kootee, in Chackla Poorub Bhaug; recorded proprietors Huranund Bidyahninash, Permanund Surmah, Kasseenath Dass, Kishen Prushad Rai, Sibprushad Sircar, and Rookminee Dassea; sudder jumma, Rupees 39-7-4.

A. G. MACDONALD,
Collector.

RUNGPORE;
Collector's Office,
The 13th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Maldah, will be put up to public and unreserved Sale, at the Deputy Collector's Office of that District, on the 5th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857:—

Clause I.—Permanently-settled Estate.

No. 247.—Mehal Huzooree, Mouzah Futtypore, Pergunnah Amgatchee in Pergunnah Kankjole; proprietor, Takoor Dass Shah; sudder jumma, Rupees 31-10-11.

E. C. CRASTER,
Officiating Deputy Collector.

MALDAH,
The 14th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah West Burdwan, will be put up to public and unreserved Sale, at the Collector's Office of that District, on the 6th day of February 1857, or 25th Maugh 1263 B. S., for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857:

Class II.—Permanently-settled Estate.

No. 334½.—Mehal Nacktorah and ½ Mehal Beldangra, Pergunnah Bishenpore; recorded proprietors, Punchanun Chuttoraj, Nundcoomar Chuttoraj, Radheekapersaud Chuttoraj, Maungobind Chuttoraj, Goburdhun Chuttoraj, and Holodhur Chuttoraj; sudder jumma, Rupees 76-8-9.

Class II.—Permanently-settled Estate.

No 411.—Mehal Beersingha, Pergunnah Bishenpore; recorded proprietors, Kreepamoye Gossamie, Ramkanie Gossamie, Lalljeemohun Gossamie and Kistodhun Sandeal; sudder jumma, Company's Rupees-33-15-11.

(Signed) SYED OJAH OLLAH KHAN,
Uncov. Deputy Collector, in charge.

BANCOORAH;
Deputy Collectorate,
The 16th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Mymensing, will be put up to public and unreserved Sale, at the Collector's Office of that District, on the 10th day of February 1857, or 29th Maugh 1263 B. S., Tuesday, for Arrears of Revenue:

Class I.—Permanently-settled Estates.

No. 605.—Juffur Mahomed, Pergunnah Burbazoo; recorded proprietors, Thaun Bebee, and others; sudder jumma, Rupees 12-7-7.

No. 1776.—Kismut Talook Doorgapersad Surma, Pergunnah Hosenshye; recorded proprietor, Chundee Kaleekinker Surma Gangoolee; sudder jumma, Rupees 50-10-8.

No. 1847.—Prannath Pergunnah Hosenshye; recorded proprietor, Sreesteedhur Roy, auction purchaser; sudder jumma, Rupees 12-7-6

No 1853.—Kismut Talook Roheemkhan; hissa, 8 annas 10 gundahs, Pergunnah Hosenshye recorded proprietor, Hurkishore Doss, auction purchaser, sudder jumma, Rupees 15-0-9.

B. COOPER,
Collector.

MYMENSING COLLECTORATE,
The 14th January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Dinagepoor, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Monday, the 2nd day of February 1857, corresponding with the 21st of Maugh 1263 B. S:

Class I—Permanently settled Estates.

No. 201.—Mouzah Ootumparah, &c., Pergunnah Panjrah; recorded proprietors, Joymonee Debbah, and others. This Mehal is under Butwarrah according to Regulation 19 of 1814. The other Shareholders have paid the Revenue due for their respective shares, and the share of the above named Joymonee Debbah, the heir of Seetulchund Talookdar, amounting to three annas, the sudder jumma of which is Rupees 852-13-2½ will be sold.

No 434.—Mouzah Roheemapoor, Pergunnah Lallbaree, Jagheer in Mookteepoor; recorded proprietor, Prannaur Dass; sudder jumma, Rupees 272-7-11.

No. 712.—Mouzah Gossypoor, Pergunnah Beejanugur; recorded proprietors, Calleekant Pundit, Coolooboollah, and Gureeb Saha; sudder jumma, Rupees 52-2-4¼

The entire Mehal will be sold.

F A. ELPHINSTONE DALRYMPLE,
Collector.

DINAGEPOOR;
Collector's Office
The 15th January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Tipperah, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Tuesday, the 10th February 1857, or 29th Maugh 1263 B S., for Arrears of Revenue:

Class I—Permanently-settled Estates.

No. 45.—Talook Kisto Ram Punchanun, Pergunnah Mohobutpore; recorded proprietor, Doorga Persaud Misser; sudder jumma, Rupees 194-14-11.

No. 156.—Talook Ram Soonder Singh, in Pergunnah Mohobutpore; recorded proprietor, Doorga Persaud Misser; sudder jumma, Rupees 99-3-2.

No. 205.—Talook Dabee Persaud Gooho Moodafut; hissa 2 annas in Chackla Jadoo Roy. Pergunnah Goonanundee; recorded proprietor, Ram Doyal Mozoomdar; sudder jumma, Rupees 31-6-5.

J. R. MUSPRATT,
Officiating Collector.

ZILLAH TIPPERAH:
Collector's Office,
The 13th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Burdwan, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday the 13th February 1857, corresponding with the 3rd Falgoon 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently settled-estates.

No. 1377.—Mehal Aymah Majeegong, Pergunnah Dhareah ; recorded proprietors, Sreemunt Roy and Bholanath Roy ; sudder jumma, Rupees 54-12-8, exclusive of Mahena Mathootee 0-12-9

No. 1442.—Mehal Aymah Munglecote, Pergunnah Auzmutsahee, recorded proprietress ; Aneemun Nessa Bebee ; sudder jumma, Rupees 17-14-10, exclusive of Maheena Mathootee 0-5-7.

No. 1445.—Mehal Aymah Munglecote, Pergunnah Auzmutsahee ; recorded proprietress, Aneemun Nessa Bebee ; sudder jumma, Rupees 11-6-1, exclusive of Maheena Mathootee, 0-2-10.

No. 3863.—Mehal Daurparah, &c., Pergunnah Roypoor ; recorded proprietors, Sreekist Chuttopadha, Soodakist Chuttopadha, Sreemutee Manick Deba, Jugodumba Deba, and Gobindo Deba ; sudder jumma, Rupees 10-6-11.

H. M. REID,
Offg. Collector.

BURDWAN ;
Collector's Office,
The 19th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Sarun, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Wednesday, the 11th February 1857, or 3rd Falgoon 1264, Fuslee, for Arrears of Revenue :—

Class I.— Permanently-settled Estate.

No. 282.—Deara Chintamunpoor, Pergunnah Goah ; recorded proprietor, Hurpershad Sing ; sudder jumma, Rupees 161.

J. MACLEOD,
Deputy Collector of Sarun in Charge.

SARUN ;
Collector's Office,
The 16th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Hooghly, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday the 6th February 1857, or 25th Maugh 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 457.—Kismut Ramessurpore, Pergunnah Arsha ; recorded proprietor, Neelmony Dutt ; sudder jumma, Rupees 19-5-4.

No. 1774.—Kismut Pole, Pergunnah Bhoorsheet ; recorded proprietors, Bhagbut Mannah, Bissumbhur Mannah, Nundoolall Mannah, and Bystub Doss Mannah, Sabaits of Essur Bahareelall Jeeoo and Bhagbut Chunder Poddar ; sudder jumma, Rupees 19-14-8.

No. 2508.—Kismut Koorchee, Pergunnah Bhoorsheet ; recorded proprietors, Ramjee Bannerjea and Ramkanto Mookerjea ; sudder jumma, Rupees 37-1-3.

No. 2517.—Kismut Koorchee, Pergunnah Bhoorsheet ; recorded proprietors, Ramjee Banerjea and Ramkantoo Mookerjea ; sudder jumma, Rupees 13-11-8.

E. GREY,
Asst. Collector in Charge.

HOOGHLY ;
Collectorate,
The 20th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Dacca, will be put up to Public and unreserved sale, at the Collector's Office of that District, on the 9th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class I.—Permanently-settled Estates.

No. 86.—Kismut Khoyracandy, Tuppa Bakeepore, Dukhul Cosseenauth Roy ; recorded proprietor, Cossynath Roy ; sudder jumma, Rupees-11-10-6.

No. 101.—Resumed Kismut Sootanurry Boyra, Pergunnah Huzrutpore ; recorded proprietor, Khemankory Dosseah, widow of Bhobanund Roy, Joynarain Roy, Gorachand Roy, Greeshchunder Roy, Assanund Deo Sircar, and Gungapersaud Chowdry ; sudder jumma, Rupees 10-11-10.

No. 102.—Kismut Nealgram, resumed Lakhiraj, Pergunnah Mobaruck Oojeeal ; recorded proprietors, Gooroopersaud, Ramkannye Golucchunder and Surropchunder Roy ; sudder jumma, Rupees 11-13-1.

No. 119.—Talook Bholunath Kallikapersaud Chund, Khraija Pergunnah Pautpussar, Mehal Hozooree ; sudder jumma, Rupees 189-1-9¾.

No. 3697.—Talook Rajaram Surmah Dhoouty, Pergunnah Jelalpore, Zillah Jelalpore ; recorded proprietor, Gourypersaud Roy ; sudder jumma, Rupees 21-11-2½.

No. 3730.—Talook Ramsurn Mitter, Pergunnah Ditto, Zillah Ditto ; recorded proprietor, Ramsurn Mitter ; sudder jumma, Rupees 32-8-9½.

No. 3750.—Talook Prankisto Sein, Pergunnah Ditto, Zillah Ditto ; recorded proprietor, Obhoychurn Hore ; sudder jumma, Rupees 11-11-9.

No. 4798.—Talook Tilluck Mundle, Pergunnah Soojabad Cootoobpore, Zillah Nooroollahpore ; recorded proprietor, Tilluck Mundle ; sudder jumma, Rupees 12-12-9½.

No. 6621.—Howallah Joynarain Surmah, Chucklah Noorpore, Zillah Rajnugger ; sudder jumma, Rupees 45-13-10-½.

C. LIMOND,
Offg. Collector.

ZILLAH DACCA ;
Collectorate,
The 17th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Behar, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 10th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857 :—

Class II.—Arrears due from Estates not permanently-settled.

No. 1200.—Mehal Kutree Tuppeh Barundah, Pergunnah Belounja ; recorded proprietors, Billoo Ram Pattuck, Ruttun Byed, Bhowany Byed, Ramayssur Byed, and Daybee Byed ; sudder jumma, Rupees 36-12.

Class I.—Estates Permanently-settled.

No. 1218.—Mehal Kurkutta Tuppeh Paharee, Pergunnah Bilounja ; recorded proprietors, Shewmany Coour, Bodha Coour, themselves and guardians of Khaydun Sing and Abboss Roy ; sudder jumma, Rupees 53-11-9.

No. 1315.—Mehal Lodeepooroonda, Pergunnah Behar ; recorded proprietor, Nyun Paul ; sudder jumma, Rupees 35-3-2.

No. 1353.—Mehal Nunowur Jhukkour, &c., Pergunnah Behar ; recorded proprietors, Dumree Singh, Seeta Ram, Rohee Singh, and Kassee Ram ; sudder jumma, Rupees 1,090-14-11.

No. 1643.—Mehal Minjoomleah Sautopoor, Khordoorf, Burah Kooroowa, Pergunnah Behar ; recorded proprietors, Shah Uzhur Hosain, Mosst. Gyasun Oorf Munjun, Dhummoo, Jhummoo, Oorf Futtoo, Wajday, Luteefun, Ameenah Fautmayoonnissa and Sohunloll ; sudder jumma, Rupees 30-4-2.

No. 1668.—Mehal Maunpoor Tetrawa Lot 3rd, Pergunnah Behar ; recorded proprietors, Shah Neamut Ally Shaik Bunday Ally, Ilt of Hosain, Mahdee Hossain, Ufzul Hosain Tuffozool Hossein, Oorf Dahoo, Meer Emmun Ally, Mosst. Ameeroonnessa, Eedun, Boolhun Zahoorun Rujjo Hashim Ally, Shah Qumuroodeen, and Meer Wussee Ally ; sudder jumma, Rupees 80-9-11.

Class IV.—Arrears due on Account of Estates other than that to be sold.

No. 2116.—Right and Interest of Mosst. Mukdooman, heiress of Mudeehun, deceased, the Surety from Mouzah Simra Chuck Simra Pergunnah Bhellawur ; recorded proprietors, Mosst. Muckdoomun, Nujmooddeen, Nuseebun Mosst. Ameerun and Wiheedun ; sudder jumma, Rupees 540-15-6, including Malikanna.

Class I.—Permanently-settled Estates.

No. 3063.—Mehal Chuck Aboojulal Uz Rugqeh Kusbey Surmoy, Pergunnah Sumoy ; recorded proprietors, Mohommud Ismyle Qumurooddeen, Alleemooddeen, Mohommud Hussun Mahommudee, Mujhur Ally Mosst. Oosfun, Mosst. Wuzeerun, Mosst. Ameerun, Mosst. Zuhoorun, Ehsanooddeen Golam Hosain, Rahaut Hossain, Kamulooddeen, Bahadoor Ully and Wuseemooddeen ; sudder jumma, Rupees 44-12.

No. 4855.—Mehal Mahsullaoorf Burhoreea, Pergunnah Muhair ; recorded proprietors, Chowdhurree Kaleechurn, Narain Sing, Goureepersaud, Ramnarain, Musseerooddeen, Ahmud and Shetaub Roy ; sudder jumma, Rupees 16-8-2.

PUNDIT RAMNARAIN,
Deputy Collector in Charge.

BEHAR COLLECTORSHIP ;
Gya,
The 17th January 1857.

NOTICE is hereby given, that under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah 24-Pergunnahs, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday the 9th February 1857, or 28th Maug 1263 B. S., for Arrears of Revenue due on the 12th January 1857.

Class II.—Temporary settled Estates.

No. 1320.—Hozooree Mehal, Pergunnah Medunmullo, Mouza Arapoonjee ; recorded proprietor, Moheschunder Kur Chowdry, &c. ; sudder jumma, Rupees 37-8-0.

No. 1366.—Hozooree Mehal Mouzah Radhakantpore, Lot No. 27 ; recorded proprietor, Madhubchunder Auduck ; sudder jumma, Rupees 174-4-10.

KYLAS C. DUTT,
Deputy Collector in Charge.

COLLECTOR'S KUTCHERRY,
24-Pergunnahs,
The 22nd January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Backergunge will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday, the 9th February 1857, or 28th Maugh 1263 B. S., for Arrears of Revenue and other demands, which by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857 :—

Class I.—Permanently-settled Estate.

Former No. 2580—Present No. 2543.—Kharyah Tuppay Lackerdeeah Ramdoss Pall Talook ; recorded proprietors, hissa 2 annas 13 gundas 1 cowree 1 krant Kistomohun Tobeeldar, hissa 1 anna 6 gundas 2 cowrees 2 krants Gungadhur Shaha, hissa 17 gundas 3 cowrees 9 teel Permesphurry, hissa 11 annas 2 gundas 2 krants 18 teel Ramdoss Paul ; sudder jumma, Rupees 19-3-2½.

Class II. Temporarily-settled Estate.

No. 4427.—Pergunnah Sullimabad Chuck Abdool Russoolpoor Howallah Doorgachurn Bundopuddeea ; recorded proprietor, Doorgachurn Bundopuddeea ; sudder jumma, Rupees 217-12-3¾ in 1245 B. S., Rupees 271-7-8¾ in 1246 B. S., Rupees 347-9-5¼ in 1247 B. S., Rupees 456-9-2 in 1248 B. S., Rupees 503-14-7¼ in 1249 B. S., Rupees 537-14-9 in 1250 B. S., Rupees 545-2-2 in 1251 B. S., Rupees 552-9-7 in 1252 B. S., Rupees 560-1 in 1253 B. S., and from 1254 B. S., Rupees 565-3-2 annually.

C. MACKILLOP,
Offg. Collector.

ZILLAH BACKERGUNGE ;
Collector's Office,
The 16th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Moorshedabad, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Saturday, the 7th February 1857, or 26th Maugh 1263 B. S., for Arrears of Revenue :—

Class I Permanently-settled Estate

No. 433.—Hooda Syedpore, Pergunnah Koerpertab; recorded proprietor, Khatronath Burral; sudder jumma, Rupees 1.154-6-11

Class II. Temporarily-settled Estates.

No. 584.—Diar Sibnuggur, Pergunnah Luskurpore, Bundbustydars, Essanchundar Roy, Guardian of Koer Juggendurnarain Roy, minor, Prosonocoomar Mozoomdar, Guardian of Koer Purresnarain Roy, minor, Ranee Kistomoty Debya, widow of Goluckindurnarain Roy and Ranee Surnomoye Dabya, widow of Bhoopendurnarain Roy; sudder jumma, Rupees 593-5-3.

Class I. Permanently settled Estates.

No. 1649.—Kismut Luckhunbatty, Pergunnah Cootoobpore, Futehpore; recorded proprietor, Mookund Dass; sudder jumma, Rupees 10-10-8.

No. 2055.—Kismut Seizgram, Pergunnah Futtehsing, Aimadar Meer, Sayed Ally; sudder jumma, Rupees 10 2 11.

No. 2084. Kismut Bhurruthpore, Pergunnah Futtehsing, Aimadar Syed Shurruf, and Gungapershad Sing; sudder jumma, Rupees 15-6-5.

H. C. HALKETT,
Collector.

MOORSHEDABAD;
Collector's Office,
The 20th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Moorshedabad, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Saturday, the 7th February 1857, or 26th Maugh 1262 B. S., for Arrears of Revenue :—

Class II. Temporarily-settled Estate.

No. 584.—Diar Sibnuggur, Pergunnah Luskurpore, Bundbustydars, Ranee Soorjomoney Debya, Goluckindurnarain, Ge ishnarain Roy, Essurnarain. Ranee Bhobunmoye Debya, Essannarain Bhoyrubindurnarain, Mohesnarain, and Hurrendurnarain Roy, and Ranee Surnomoye Debya; sudder jumma, Rupees 593-5-3.

H. C. HALKETT,
Collector.

MOORSHEDABAD;
Collector's Office,
The 20th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Jessore will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 10th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class I.—Permanently-settled-Estates.

No. 873.—Kismut Chandpore, Pergunnah Nuldee; recorded proprietor, Kundurpo Sein, under the possession of Doorgapersaud Sein, Prannath Bagchee, and Deep Chund Bhadooree; sudder jumma, rupees 45-13-4

No. 1046.—Kismut Bangat, Pergunnah Havelly; recorded proprietors, Lukhikanth Sein and Sumbhoo Chunder Roy, under the possession of Kistoram Sein; sudder jumma, rupees 16-12-10.

No. 1079.—Kismut Poredea, Pergunnah Havelly; recorded proprietor, Roodro Ram Dutt; sudder jumma, rupees 10 0-11.

No. 1170.—Kismut Luskerdea, Pergunnah Havelly; recorded proprietors, Romakant and Petumber Mitters; sudder jumma, rupees 28-5-4

No. 1378—Kismut Talma, Pergunnah Havelly, recorded proprietor, Syud Sudderuddee; putneedars, Syud Chand and Syud Nowee; sudder jumma, rupees 10-4-6

No. 1961.—Kismut Panchoee, Pergunnah Shantore; recorded proprietor, Ramkisto Punchanun, under the possession of Jogodish Chuckerbutty; sudder jumma, rupees 10-9-4

No. 1997.—Kismut Panchoee, Pergunnah Shantore; recorded proprietor, Ramnoree Dabbea; sudder jumma, rupees 10-3-2.

No. 3386.—Kismut Baleaghatta, Pergunnah Tarragoonia (resumed lakhiraj); recorded proprietors, Nimanund, Bhoyrub Chunder, and Gooroo Churn Roys; sudder jumma, rupees 48-2-0.

No 3459.—Kismut Keshubpore, Pergunnah Jangeerabad (resumed lakhiraj); recorded proprietors, Teluck Chunder, Radhamohun, Kristo Dhun, and Manghun Chunder Moitres; sudder jumma, rupees 38-11-3.

No. 4216.—Kismut Secunderpore, Pergunnah Goheipore (resumed lakhiraj); recorded proprietor, Dhorony Dhur Bose; sudder jumma, rupees 19-2-0.

No. 4345.—Kismut Jonardunpore, Pergunnah Syudpore (resumed lakhiraj); recorded proprietors, Juggutram, Debeepersaud and Ramnarain Bhuttachargees, and Ramnath Bachusputtee, and others; sudder jumma, rupees 34 15-7.

ALI AHMUD,
Uncovenanted Deputy Collector, in charge of the Treasury.

JESSORE COLLECTOR'S OFFICE,
The 22nd January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Midnapoor, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 12th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class I.—Permanently-settled Estates

No. 109.—Mehal Amuan, Pergunnah Kasseejorah ; recorded proprietor, Ramhurry Mojoomdar ; sudder jumma, Rupees 99-8-10¼.

MIDNAPORE COLLECTORATE,
CAMP BELKEE,
The 19th January 1857.

W. H. BRODHURST.
Collector.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Chittagong, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Tuesday, the 17th February 1857, or 7th Falgoon 1263 B. S., for Arrears of Revenue :—

Class VI.—To be sold for the realization of Butwarrah Expenses.

No. 14.—Turruff Anundeeram. The shares of Rammoney, Traheeram, Radharam, Ramgutty, Mohobut Ally, Abool Foeuz, Taz Mahomed, Jebun, Kumer Ally, Jamal, Moozafur, Yasin, Moneo, Mozuroollah, and Obhoychurn Chowdry, who have not paid the Butwarrah expenses of their respective shares, will be sold. The entire sudder jumma of the Mehal is rupees 123 4 6.

Class I.—Permanently-settled Estates.

No 44.—Turruff Anundee Manoollah ; proprietor, Ramchunder Dey ; sudder jumma, rupees 1,160-0-3.

No. 48.—Turruff Jyenoollah Joomrood ; proprietors, Abool Foeuz, Sreemuttee Poran Bebee, and Azeezurnissah ; sudder jumma, rupees 214-2-6.

No 242 —Turruff Gobindokanto, exclusive of the shares of Kasheechundro, Hurgobindo Gooho, Radhakishno Gooho, Sreemuttee Shoyesonee, Esshuree, and Shosteechurn Gooho, whose Estates are under Butwarrah, and paid their shares ; the remaining shares will be sold. The entire sudder jumma of the Mehal is rupees 151-0 9

No. 512 —Turruff Romonchand Deang ; proprietors, Chundeechurn, Tarneechurn, Bysnubchurn, Kebulram, Neelmoney, Eshanchunder, and Kishnochunder Roy ; sudder jumma, rupees 340-11-0.

No. 541 —Turruff Rajdoollub ; proprietors, Ramsburn, Kishnochurn, and Ramruttun Chuckerbutty ; sudder jumma, rupees 346-1-6.

Class VI.—To be sold for the realization of Butwarrah Expenses.

No. 563.—Turruff Shacheeram Canongoe, the shares of Ashruff Jemadar, Shamed Ally, Shodaram Canongoe, Bux Ally, and Jan Ally, who have not paid the Butwarrah expenses of their respective shares, will be sold. The entire sudder jumma of the Mehal is rupees 859-8-8.

Class I.—Permanently-settled Estates.

No 615.—Turruff Ally Shayem ; proprietors, Alleemurdun, Shamut Allee, Jinnut Ally and Aqbur Ally Khan ; sudder jumma, rupees 93-5-9.

No. 739.—Turruff Akeel Mahomed ; proprietor, Mahomed Dyme Nazir ; sudder jumma, rupees 60-10-3.

No. 1750.—Talook Janoollah Afzul ; proprietor, Ibrahim ; sudder jumma, rupees 56-0-3.

No. 3116.—Turruff Mouza Seekul Baha ; proprietors, Oomrao Sing, Indro Sing, and Gujraj Sing ; sudder jumma, rupees 300 0-0.

Lakhiraj-resumed Mehal.

No 4512.—Talook Eshanchunder Canongoe Oomachurn Canongoe, and Sreemuttee Bishesuree ; proprietor, Sreemuttee Hallununnissa ; sudder jumma, rupees 60-14-6.

CHITTAGONG COLLECTOR'S OFFICE,
The 19th January 1857.

S. F. DAVIS,
Officiating Collector.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Patna, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th February 1857, or 5th Phagoon 1264 F. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates

No. 38.—Mehal Bansbigha, Pergunnah Tilhara ; recorded proprietor, Juyperkas Sing ; sudder jumma, Rupees 224-0-0.

No. 55.—Mehal Chuck Chundasee, Pergunnah Biswunk ; recorded proprietors, Musst. Suddoe, Kunhoololl, and Nijabut Hosen Khan ; sudder jumma, rupees 59-2-11.

No. 103 —Mehal Futtehpore Kullan, Pergunnah Azeemabad ; recorded proprietor, Baboo Byjnath Suhoy ; sudder jumma, rupees 299 13-6.

Class IV.—Estates to be sold for Arrears due on account of other Estates.

No. 181.—Rights and Interests of Petumber Sing in Mouzah Chynpore, Tuppeh Muckra, Pergunnah Gyaspore ; recorded proprietors, Rampershad Sing, Ishree Dutt, Baydah Sing, Peetumber Sing, and Musst Mungerdayee Cour ; sudder jumma, rupees 342-6-5.

No. 191.—Rights and Interests of Peetumber Sing uz Ruqbeg Ullawan, Pergunnah Politch ; recorded proprietor, Peetumber Sing ; sudder jumma, rupees 55-3-4

No. 569 —Rights and Interests of Peetumber Sing in Mouzah Kalleeanpore Bhugwan, Pergunnah Gyaspore ; recorded proprietors, Peetumber Sing, Lakhun Sing, and Mahadeo Sing ; sudder jumma, Rupees 68-0-0.

C. LINDSAY,
Assistant Collector in Charge.

PATNA COLLECTORATE,
The 20th January 1857.

NOTICE is hereby given, under Section VI Act I. of 1845, that the under-mentioned Estates, in Zillah Nuddeah, will be put up to Public and unreserved Sale, at the Collector's Office of that District on the 16th day of February 1857, for Arrears of Revenue, and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue, due on the 12th day of January 1857 :—

Class I.—Permanently-settled Estates.

No. 19.—Mouzah Abalea, Pergunnah Savozeal ; recorded proprietor, Kistchunder Roy ; sudder jumma, rupees 29-10-1.

No. 224.—Mouzah Paterghatta, Pergunnah Chowrassee ; recorded proprietor, Nobinchunder Roy, Rosseeckchunder Roy, and Hursunkur Roy ; sudder jumma, rupees 167-14-4.

No 914.—Mouzah Roghoonathpore, &c., Pergunnah Ookra ; recorded proprietor, Bissomoe Dassea ; sudder jumma, rupees 38-3-4.

No. 1013.—Mouzah Howlea, Pergunnah Bagwan ; recorded proprietor, Nobocoomar Chuckerbutty ; sudder jumma, rupees 14-9-10.

No. 1365.—Mouzah Shadhoohattee Magoorah, Pergunnah Rajpore ; recorded proprietor, Callachand and Prosunnocoomar Bhuttacharge ; sudder jumma, rupees 45-0 6.

No. 1414.—Mouzah Coolpallah, Pergunnah Rajpore ; recorded proprietor, Golzar Shaha ; sudder jumma, rupees 17-2-5.

No. 1431.—Mouzah Cassipore, Pergunnah Shaoozeal ; recorded proprietor, Debnath and Tareenisunkur Chottopadhea ; sudder jumma, rupees 14-4-0.

No. 1660.—Mouzah Boozroog Shajapore, Pergunnah Plassey ; recorded proprietor, Damoodurchunder and Kessubchunder Roy ; sudder jumma, rupees 13-8-9.

No. 2141.—Mouzah Ooloodanga and others, Pergunnah Ookra ; recorded proprietor, Shamachurn Chuttopadhya ; sudder jumma, rupees 10-0-8.

Class II.—Estate not permanently-settled.

No. 2429.—Chur Dadoopore, Pergunnah Patmehal ; recorded proprietors Birressur, Rajnarain Raghobindro, Anundchunder and Sreenath Roy, Dhunmonee Dossee, and Greedhur Mozoomadar ; sudder jumma, rupees 24-6-4.

Class I.—Permanently-settled Estate.

No 2447.—Mouzah Rooghoonathpore, Pergunnah Balea ; recorded proprietors, Mottilal and Oomachurn Bose ; sudder jumma, rupees 13 5-3.

Class III.—Estates in Arrears on Account of Years antecedent to the current and preceding Year.

No. 2499.—Mouzah Dopakoor, Pergunnah Ookrah ; recorded proprietor, Anundchunder Mullick ; sudder jumma, rupees 22-15-9.

No. 2557.—Mouzah Shooburnobehar Chaklah Kistnughur ; recorded proprietor, Nocoormonee Debea ; sudder jumma, rupees 7 2-9

No. 2558.—Mouzah Shooburnobehar Chaklah Kistnughur ; recorded proprietor, Unodoprosaud Bundopadhya ; sudder jumma, rupees 7-2-9.

No 2559.—Mouzah Sooburnobehar Chaklah Kistnughur ; recorded proprietor, Calleedass Bundopadhya , sudder jumma, rupees 3-9-5

No. 2560.—Mouzah Shooburnobehar Chaklah Kistnughur ; recorded proprietor, Bamasoondree Debea, mother and guardian of Rajkist Bundopadhya, minor ; sudder jumma, rupees 3-9-4.

Class I.—Permanently-settled Estates.

No. 2563.—Mouzah Bohirgachee Turf Moomsheepore ; recorded proprietor, Callicadass Mookopadhya ; sudder jumma, rupees 57-10-3.

No. 2608.—Mouzah Pauchpotta Chaklah Kistnughur ; recorded proprietor, Moonshee Abdool Kurreem and Amudjuhurra Bebee, mother and guardian of Moonshee Hafeezuddeen and Monshee Abboss Allee minor ; sudder jumma, rupees 11-8-7.

Class III.—Estates in Arrears on account of Years antecedent to the current and preceding Year.

No. 2613.—Mouzah Chuck Bageeah, Pergunnah Belgong ; recorded proprietor, Rajkishore Roy ; sudder jumma, rupees 11-8-3.

No. 2646.—Mouzah Luckhigacha, Pergunnah Bagwan ; recorded proprietor, Aunundgopaul Bundopadhya ; sudder jumma, rupees 4-8-0.

Class I.—Permanently-settled Estate.

No 2661.—Mouza Nuttipottah and Chuck Beharee, Pergunnah Bagwan ; recorded proprietor, Cassisur Naerutno Bhuttacharge ; sudder jumma, rupees 29-4-7½.

No. 2709.—Mouzah Kanyedangah Chaklah Matcaree ; recorded proprietor, Koonjobeharree Chuttopadhya ; sudder jumma, rupees 3-5-11½.

Class III.—Estates in arrears on Account of Years antecedent to the current and preceding Year.

No 2736.—Mouzah Sookpookurreah Turf Mamjonnea ; recorded proprietor, Camikhanath Bundopadhya ; sudder jumma, rupees 1-3-11.

No. 2795.—Mouzah Noez Sreenuggur Chaklah Sreenuggur ; recorded proprietor, Mudduncband Surma ; sudder jumma, rupees 1-15-10.

No. 2862.—Mouzah Shatigacha, Pergunnah Panjnour ; recorded proprietors, Byeuntjeebun, Sreeman, Mohendrodeb and Mothoornauths Mookhopadhya ; sudder jumma, rupees 27-3-10½.

No. 2806.—Mouzah Oola Turf Mamjoanee ; recorded proprietor, Sreeman, Mohendrodeb and Mothoornauth Mookhopadhya ; sudder jumma, rupees 77-15-3.

No. 2847.—Mouzah Gobindpore, Chaklah Kistnuggur ; recorded proprietor, Bhobosoondree Debea ; sudder jumma, rupees 6-9-11.

No. 2848.—Mouzah Gobindpore, Chacklah Kistnuggur ; recorded proprietor, Moonshee Abdool Kurreem and Mussummut Abdooljohurrah Beebee ; sudder jumma, rupees 4-2-1.

No. 2852.—Mouzah Gobindpore and Mossidpore, Chaklah Kistnuggur ; recorded proprietor, Issurchunder Chuttopadhya ; sudder jumma, rupees 4-5-5.

No. 2854.—Mouza Gobindpore, Chaklah Kistnuggur; recorded proprietor, Harnath Bundopadhya; sudder jumma, rupees 1-4-8.

No. 2872.—Mouzah Sundoho Panchbarea, Chakla Kistnuggur; recorded proprietor, Denonath Dutt Poddar; sudder jumma, rupees 38-0-1½.

No. 2877.—Mouzah Khamar Shakapore, Chakla Kistnuggur; recorded proprietor, Dowlut Ostagar and Tareef Ostagar; sudder jumma, rupees 163-14-4.

No. 2962.—Mouzah Anundhaw, Pergunnah Panjnour; recorded proprietor, Lgharam Mookhopadhya; sudder jumma, rupees 1-0-0.

No. 2968.—Mouzah Mackrah, Chaklah Sreenuggur; recorded proprietor, Brojomohun Mookhopadhya; sudder jumma, rupees 3-2-6.

No. 2973.—Mouzah Mooragacha, Chaklah Kistnuggur; recorded proprietor, Gourisunkur Bhuttacharge; sudder jumma, rupees 3-12-3½.

C. P. CASPERZ,
Deputy Collector, in charge.

ZILLAH NUDDEA COLLECTOR'S OFFICE,
The 24th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Bhaugulpore, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Thursday the 12th February 1857, or 4th Fagoon 1264 F. S., for Arrears of Revenue:—

Class I.—Permanently-settled Estates.

No. 6.—Mehal Talooka Buder Allumpoor, Pergunnah Bhaugulpore; recorded proprietors, Girdharee Lall, Mudun Thakoor, Aurnarain Chowdry, Brij Mohun Thakoor, Saudut Khan, Zukecoodin Ahmud, Riza Allee Khan, Torabool Ekdam Khan, Neetyanund Jha, Beebee Tukeekah, Sheikh Rujjub Ally, Buratee Sah, Ram Kurn Coowar, Chundranee Koowar, Chohara Sahoon, Sona Sahoon, Chowdry Fukeer Bux, Jogee Roy, Hunsraj Roy, Radhey Roy, Mukhun Lall, Gujrae Sing, Talevber Sing, Pershaud Sing, Kukoo Roy, Bydnath Dutt Jhah; sudder jumma rupees 1,344-8-9½. This Mehal consists of 30 Mouzahs, out of which 1 Mouzah, Parbuttee, belonging to the Zemindary of Beebee Tukeekah, the wilful defaulter, will be sold exclusive of the shares of other proprietors who have paid up their portion of the balance due agreeably to Section 33 Regulation XIX. of 1814.

No. 7—Ghat Bhaujpoor Tuppeh Putsindah, Pergunnah Bhaugulpore; recorded proprietor, Mahatab Lall; sudder jumma, rupees 49-12-11.

Class II.—Temporarily-settled Estates.

No. 44.—Ghat Bunseepoor, Tuppeh Putsindah, Pergunnah Bhaugulpoor; recorded proprietor, Dhunnah Coomree; sudder jumma, rupees 52-11-6½.

Class I.—Permanently-settled Estates.

No. 65.—Mouzah Jellallpoor, *alias* Jypoora Pergunnah, Kaukjoul; recorded proprietor, Dhunneeram Doss; sudder jumma, rupees 13-4-8.

No. 108.—Mouzah Dellawarpoor, Pergunnah Kaukjoul; recorded proprietor, Setara Khanum; guardian of Meer Joher Ally, minor; sudder jumma, rupees 10-13-1.

No. 489.—Mehal Talookah Mohunpoor, Chowmook, Pergunnah Nersingpoor Koorha; recorded proprietors, Bholanath Jha, Gokoolnath Jha, Mosst. Reazoonnessa, Nundlall Sing, Huruckmun Sing, Nursingnarain Sing, *alias* Bacha Sing, Takoor Mun Sing, Jugut Mun Sing, Roopnarain Sing, Oditnarain Sing, Bholanath Misser, Nundkoomar Misser, Doolar Misser, Baboonath Misser, Gopaul Sing, Motee Lall Misser, Nurinder Sing, Motee Lall Misser, Sham Sing, Bundoo Jha, Ramdyal Sing, Shewun Chowdry, Muthooranath Jha, Budreenath Jha, Balanund Sing, Nund Lall Sing, Hurukmun Sing, Nersingnarain Sing, Nundkissore Sing, Thakoor Mun Sing, Kotoaroo Ram Ghugut, and Mosst. Debee Buttee Koomree; sudder jumma, rupees 3,223-15-7. This Mehal consists of 6 Mouzahs, out of which 4 annas in Mh. Mohunpoor share of Roopnarain Sing, 8 annas in Mh. Oodah share of Kotoarooram Bhugut, Bholanath Misser, Nundkoomar Misser, Doolar Misser, Baboonath Misser, and Motee Lall Misser; and 8 annas in Mh. Bhowanypoor Jheelary share of Motee Lall Misser, Nurinder Sing, and Sham Sing, wilful defaulters, will be sold exclusive of the shares of other proprietors who have paid up their portion of the balance due agreeably to Section 33 Regulation XIX. of 1814.

No. 773.—Invalid Jageer of Surdha Sing, Soobadar, in Thannah Bhaugulpoor, Pergunnah Bhaugulpoor; recorded proprietor, Byjnath Chuckerbutty; sudder jumma, rupees 53-5-4.

No. 786.—Mouzah Bhowanecpoor, Pergunnah Bhaugulpore; recorded proprietor, Teeluk Burm; sudder jumma, rupees 17-6-10.

No. 844.—Invalid Jageer of Goordyal Sing, Jemadar, in Thannah Bhaugulpoor; recorded proprietor, Dhunnah Koomree; sudder jumma, rupees 15-13-10½.

Class II.—Temporarily-settled Estates.

No. 883.—Mouzah Anundpoor, Pergunnah Nersingpoor, Coorha; recorded proprietor, Rookmin Koomree; sudder jumma, rupees 18-2-4.

Class I.—Permanently-settled Estates.

No. 1600.—Invalid Jageer of Kaem Khan Naik in Thannah Hummutpoor; recorded proprietors, Mollah Kamell and Syed Wariss Allee; sudder jumma, rupees 10-8-6.

No. 2259.—Invalid Jageer of Daood Soobadar in Thannah Oodhoa Nullah; recorded proprietor, Sheikh Oodiet Oolla; sudder jumma, rupees 21-12-8¾.

No. 2261.—Invalid Jageer of Ramzane Soobadar in Thannah Oodhoa Nullah; recorded proprietor, Oodiet Oolla; sudder jumma, rupees 12-12-6.

No. 2660.—Invalid Jageer of Huree Sing Soobadar in Thannah Pealapoor; recorded proprietor, Sreekissno Abustee; sudder jumma, rupees 14-14-11.

STEPHEN LUSHINGTON,
Officiating Collector.

COLLECTOR'S OFFICE BHAUGULPORE,
The 20th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Rajshahye, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday the 16th February 1857, or 6th Falgoon 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 506.—Kismut Kusbabagha, Pergunnah Luskerpoor; recorded proprietor, Gooroopersaud Sircar; sudder jumma, rupees 16-15-8.

No. 909.—Kismut Sunjoypoor, Pergunnah Burburyah; recorded proprietor, Nobokissore Sircar; sudder jumma, rupees 26-15-3.

No. 1566.—Chur Bydopoor, &c., Pergunnah Jeeasindoo; recorded proprietor, Tarasoondery Chowdrainee, mother of the minor Ramlall Chowdree, Juggut Chunder Sircar, Roopmoonjoree Chowdrainee, mother and guardian of the minor Nobocoomar Sircar; and Ram Chunder Sircar; sudder jumma, rupees 16-15-10.

W. T. TAYLOR.
Collector.

ZILLAH RAJSHAHYE; COLLECTOR'S OFFICE.
The 21st January 1857.

NOTICE is hereby given, under Section VI Act. I. of 1845, that the under-mentioned Estates, in Zillah Monghyr, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 9th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 13th January 1857:—

Class I.—Permanently-settled Estates.

No. 252.—Mouzah Mohanundpore, Pergunnah Maldah; recorded proprietor, Mozuffer Alli Khan, sudder jumma, rupees 119-7-6.

No. 427.—Mouzah Nubbeepore Lutchoo Jahangeerah, Pergunnah Monghyr; recorded proprietors Bhyro, Futtoo, Tota, and Pirtum; sudder jumma, rupees 200-9-6.

Class IV. Estates to be sold for Arrears due on account of other Estates.

No. 1467.—The right and interest of Goordyal Sing, in Invalid Jaghir land of Lutchmeeram Naick, in Thannah Bindrabun, Pergunnah Monghyr; sudder jumma, rupees 11-2-2.

Class I.—Permanently-settled Estates.

No. 1781.—Invalid Jaghir land of Baboo Khan Subadar, in Thannah Jafrah, Pergunnah Furkiah; recorded proprietor, Jumal Oodin; sudder jumma, rupees 12-14-1½.

No. 2484.—Invalid Jaghir land of Mohun Sing Jemadar, in Thannah Jafrah, Pergunnah Furkiah; recorded proprietors, Mosst. Sookho and Munnooruth Lal; sudder jumma, rupees 16-10-8.

No. 2486.—Invalid Jaghir land of Kurrimoollah Jemadar, in Thannah Jafrah, Pergunnah Furkiah; recorded proprietors, Mosst. Ruseedah; sudder jumma, rupees 16-13-8.

No. 2856.—Invalid Jaghir land of Mahomed Hyat Subadar, in Thannah Suhursah, Pergunnah Ooturkhund; recorded proprietors, Mosst Bhutto, Mosst. Hoosainee, Luttifun, Mosst. Deelab and Amno; sudder jumma rupees, 34-12-6.

No. 2864.—Invalid Jaghir land of Beekah Havildar, in thanna Suhursah, Pergunnah Ooturkhund; recorded proprietors, Mosst. Bussuntah Asmoo, Bundho, Alpho, Meerun, and Ameeroollah; sudder jumma, rupees 12-5-9¼.

No. 2865.—Invalid Jaghir land of Doomdee Havildar, in Thannah Suhursah, Pergunnah Ooturkhund; recorded proprietors, Mosst. Jeeun Ameerun, Alleebux, and Fyzee Alli; sudder jumma, rupees 12-2.

No. 2867.—Invalid Jahir land of Fyzoollah Havildar in Thannah Suhursah Pergunnah Ooturkhund; recorded proprietors, Mosst. Nemah, Shaick Domun, Hyatbux, and Fukeerbux; sudder jumma, rupees 13-9-10.

No. 3312.—Urazie Thattah Bussuntpore, Pergunnah Furkiah; recorded proprietor, Narrain Doss; sudder jumma, rupees 68-3-3.

No. 3487.—Invalid Jaghir land of Debee Sing Subadar, in Mouzah Purriah, Thannah Alleenugur, Pergunnah Soorooj Gurha; recorded proprietors, Benee Sing, Kunnyah Sing, Villait Hossein and Jharkhundee Roy; sudder jumma, rupees 15-6-2¾.

J. PIRON,
Uncovenanted Deputy Collector, in charge.

MONGHYR COLLECTOR'S OFFICE,
The 19th January 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

SATURDAY, JANUARY 31, 1857.

Notifications, Appointments, &c.

No. 178.

Fort William, Home Department,
The 27th January 1857.

Mr. C. K. Dove has been appointed to officiate as Post Master General of Bengal, during the absence of Mr. Bennett.

The 30th January 1857.

Mr. T. Garrett has been appointed to officiate as Deputy Post Master General in Calcutta, in the room of Mr. Dove.

No. 179.

The 30th January 1857.

Mr. W. Grey, of the Civil Service, reported his departure for England by the Steamer *Ava*, which vessel was left by the Pilot at Sea on the 25th instant.

No. 180.

The following Extract (paragraphs 1 and 2) from a Despatch No. 116, of 1856, dated the 3rd December, from the Hon'ble the Court of Directors, is published for general information :

1. We have permitted the under-mentioned gentlemen to return to their duty on the Bengal Civil Establishment, *viz.* :

Mr. J. Guthrie.	Mr. C. F. Montresor.
„ A. Money.	„ John H. Bax.
„ W. S. Seton-Karr.	„ C. F. Carnac.

2. We have granted Mr. W. C. Sherwood, of the Bengal Civil Establishment, a further extension of leave for three months, on Sick certificate.

By Order of the Governor General of India in Council,

CECIL BEADON,
Secy. to the Govt. of India.

No. 471.

Fort William, Foreign Department,
The 30th January 1857.

The Governor General in Council is pleased to make the following appointment in the United Malwa Contingent :

Lieutenant A. O. Mayne, Acting Commandant of Artillery, to be Commandant, *vice* Lieutenant F. Conybeare, proceeded on leave to Europe, under the old Rules.

No. 472.

The Governor General in Council is pleased to re-appoint Captain M. J. Battye, of the 27th Regiment Bombay N. I., to be Assistant to the Resident at Baroda.

No. 473.

Captain W. R. Campbell, Second Assistant to the Resident at Hyderabad, is appointed to officiate as First Assistant, until further orders, from the 15th instant.

No. 474.

The services of Brevet Captain W. Metcalf, of the 35th Regiment N. I., and Officiating Cantonment Joint Magistrate at Wuzeerabad, are replaced at the disposal of His Excellency the Commander-in-Chief, in consequence of the abandonment of the Cantonments at that place.

No. 475.

Surgeon J. C. Campbell, Durbar Surgeon at Mysore, has obtained leave of absence, on Medical certificate, under the Military Rules, for two months, from the 1st instant, to proceed to the Western Coast.

No. 476.

Captain E. J. Rickards, Second in Command of the Mhairwarra Local Battalion, has obtained leave of absence, for two months, from the 15th March next, to visit Bombay, preparatory to embarking for Europe on furlough.

No. 477.

Lieutenant-Colonel J. Clarke, Deputy Commissioner of Goojranwalla, Officiating Commissioner of Lahore Division, has obtained privilege-leave, under the Military Rules, for thirty days, from the date on which he may make over charge of the Lahore Division to Mr. A. Roberts.

No. 478.

Lieutenant J S. Tighe, Assistant Commissioner in the Punjab, has obtained leave of absence. under the Military Rules, for six weeks, to proceed to Calcutta, preparatory to applying for furlough to Europe, on Medical certificate.

Mr. H. Monckton, Deputy Commissioner in the Punjab, has obtained leave of absence, on Medical certificate, under Section VI. of the new Rules, for two months, from the date on which he may, avail himself of it.

Mr. L. Berkeley, Extra Assistant in the Punjab has obtained leave of absence, on Medical certificate, under Section V. of the Uncovenanted Leave Rules, from the 15th October to the 1st December last.

No 479.

Mr. R. P. Jenkins, Deputy Commissioner at Kangra, has obtained leave of absence, for six weeks, from the date on which he avails himself of it, preparatory to proceeding on furlough.

No. 480.

The Governor General in Council is pleased to appoint Mr. F. Browne to be Inspector of Schools, 2nd Circle, Punjab, with effect from the 20th October last.

No. 481.

Assistant Surgeon C. Lowdell, 10th Regiment Oudh Irregular Infantry, to have Medical charge of the Jail and Civil Establishments at Mulaon, and of the Detachment of the Military Police at that Station, from the 30th October last, in addition to his own duties.

Assistant Surgeon M. G. Hill, 9th Regiment Oudh Irregular Infantry, to have Medical charge of the Civil Station of Seetapore from the 23rd October last in addition to his own duties.

G. F. EDMONSTONE,

Secy. to the Govt. of India.

No. 7.

Fort William, Financial Department,

The 28th January 1857.

Notification.—The Government Agency having been abolished pursuant to the Notification from this Department, No. 5, dated the 26th January 1855, the services of Mr. J. A. Crawford have, at his own request, been placed at the disposal of the Government of Bengal from the date on which he may make over charge of the remaining Accounts of the Agency to the Accountant General to the Government of India.

C. HUGH LUSHINGTON,

Secy. to the Govt. of India.

No. 9.

Fort William, Public Works Department,

PUBLIC,

The 30th January 1857.

Notification.—The Right Honorable the Governor General in Council is pleased to appoint Lieutenant B. Wyld, of the 3rd Madras European Regiment, to be an Executive Engineer of the 4th Class in the Public Works Department, in the Tenasserim and Martaban Provinces.

Lieutenant Wyld is appointed to survey the Moulmein and Mergui Road.

W. E. BAKER, *Lieut.-Col.,*

Secy. to the Govt. of India.

No. 154.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 28th January 1857.—Mr. A. J. Jackson to be Secretary to the Local Committee of Public Instruction at Bograh.

The transfer of Baboo Rudhanath Gangoley, Deputy Collector, from Beerbhoom to the Revenue Survey 3rd or East Division, notified in the *Gazette* of the 21st instant, is cancelled.

Leave of Absence.—The 28th January 1857.—Lieutenant H. M. Boddam, Executive Officer, Sonthal Pergunnahs, for one month, on Medical certificate, under the Rules applicable to Military Officers in Staff employ.

Mr. P. Maxwell, Sub-Deputy Opium Agent of Cawnpore, for fifteen days, under Section VI. of the Uncovenanted Absentee Rules, retaining charge of his Office.

A. R. YOUNG,

cy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 157 A. of 1857.

Judicial Department,

Head Quarters, the 23rd January 1857.

Notifications.—Mr. Henry Edward Cockerell, Joint Magistrate and Deputy Collector of the 2nd Grade, is posted to the Banda District, and will have charge of the Out-Station of Kirwee, upon the departure, on furlough, of Mr. F. F. Hogg.

No. 55 A. of 1857.

Separate Revenue Department,

The 24th January 1857.

Covenanted and Uncovenanted Servants, under the Government, N. W. P., applying for leave to Europe, under circumstances which, according to the Rules in force, entitle them to receive a portion of their pay during such absence, are directed to state in their applications whether they desire to draw the authorized Allowances during their leave, in England, or in this Country, and if the latter, to what parties the amount is to be paid, these parties giving a guarantee for the refund of any excess payments in conformity with the Resolution of the Governor General in Council in the Financial Department, No 1, of January 2nd 1857.

No. 104 A. of 1857.

General Department.

Appointments.—Sub-Assistant Surgeon Chunder Nath Biswas to the charge of the Hameerpoor Dispensary.

No. 106 A of 1857.

Second Lieutenant J. W. Champain, of the Engineers, to officiate as Assistant to the Principal of the Thomason College, Roorkee, during the temporary absence of Lieutenant Chesney, or till further orders.

No. 167 A. of 1857.

Judicial Department.

Leave of Absence.—Mr. David Robertson, Civil Judge of Bareilly, for two months, under Section XII. of the new Rules, from the 12th February next, or the subsequent date on which he may avail himself of the leave.

No. 175 A. of 1857.

Appointment.—Mr. John Scarlett Campbell, vested with the powers of Joint Magistrate and Deputy Collector, is appointed to officiate as a Joint Magistrate and Deputy Collector on the temporary vacancy caused in the Establishment by the departure, on Medical leave, of Mr. R. Manderson, Joint Magistrate and Deputy Collector of the 2nd Grade.

C. B. THORNHILL,

Offg. Secy. to Govt. N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 29th January 1857.

No. 154 *of* 1857.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, are published in General Orders:

No. 139 *A., dated 20th January* 1857.—*Appointment.*—Assistant Surgeon Charles Lowdell to be Civil Assistant Surgeon at Muttra.

No. 90 *A., dated 22nd January* 1857.—*Leave of Absence.*—Civil Surgeon John N. Tressider, of Cawnpore, for one month, from the 15th March next, under Rule 29 of the new Furlough Regulations, to visit Calcutta, preparatory to obtaining furlough to England for six months, under Rule 9 of those Regulations.

No. 155 *of* 1857.—The under-mentioned Officers reported their departure on the dates specified opposite to their respective names:

Brevet Major W. Freeth, of the Invalid Establishment, on leave for eighteen months. Government General Order, No. 1576, dated 18th December 1856	*Hotspur*, 25th January 1857.
Captain B. Hawes, of the 2nd European Bengal Fusiliers, on leave for eighteen months. Government General Order, No. 83, dated 13th January 1857	
Captain B. T. Reid, of the 3rd European Regiment, Deputy Commissioner in the Punjaub, on leave for fifteen months. Government General Order, No. 96, dated 16th January 1857	
Lieutenant F. C. J. Brownlow, of the 1st Light Cavalry, on leave for eighteen months. Government General Order, No. 29, dated 6th January 1857	
Brevet Colonel W. Swatman, of the 3rd European Regiment, on leave for three years. Government General Order, No. 153 k, of 12th December 1856	*Ava*, 25th January 1857.
Captain S. R. Wallace Invalid Establishment, on furlough for three years. Government General Order, No. 108, of 19th January 1857	*Ava*, 25th January 1857.
Lieutenant Sir C.W. A. Oakeley, Baronet, 8th Light Cavalry, on leave for three years. Government General Order, No. 1592, dated 23rd December 1856	
Lieutenant B. T. Stafford, of the 18th Regiment Native Infantry, on leave for three years. Government General Order, No. 96, dated 16th January 1857	
Assistant Surgeon F. P. Strong, Medical Department, on furlough for six months. Government General Order, No. 75, dated 13th January 1857...	

Assistant Surgeon J. W. Fletcher, F. R. C. S., Medical Department, on leave for three years. Government General Order, No. 59, dated 9th January 1857 .. ..
Assistant Surgeon T. Fitzpatrick, A. B. and M. B., Medical Department, on leave for eighteen months. Government General Order, No. 107, dated 19th January 1857 ...
Captain F. N. Edmonstone, of the 4th Light Cavalry, (Lancers), Deputy Pay Master, Cawnpore Circle, on leave for twelve months. Government General Order, No. 142, dated 23rd instant ... ...

Aug. 25th January 1857.

No. 156 *of* 1857.—At the recommendation of His Excellency the Commander-in-Chief, grounded on the long and meritorious services of Subadar Major and Sirdar Bahadoor Gunga Ram, formerly of the 14th Regiment Native Infantry, the Right Honorable the Governor General of India in Council is pleased to sanction the Brevet-Pay of his rank being continued to that Native Officer from the date of his transfer to the Invalid Pension Establishment.

No. 157 *of* 1857.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names	To what Rank promoted.	From what date.	In whose room.
14th Regt N I.,..	Havildar Sewdhur Dooby, ...	Jemadar, ..	30th October 1856,	Jhow Sing, deceased.
16th Regt. N. I.,...	Havildar Munbode Sing, ...	Ditto. ..	11th November 1856,	Sewbuccus Misser, deceased.
24th Regt. N. I.,	Jemadar Purson Misser, ...	Subadar, ...	29th November 1856,	Nizamuth Khan, deceased.
	Havildar Sooklall Sing, ...	Jemadar, ..	Ditto,	Purson Misser, promoted.
27th Regt. N. I.,	Havildar Buctour Ojah, ...	Ditto, ..	28th October 1856,	Bheek Tewarry, deceased.
	Jemadar Gunness Opudea, ...	Subadar, ..	14th November 1856,	Goordut Sing, deceased.
	Havildar Nidhei Ojah, ...	Jemadar, ..	Ditto,	Gunness Opudea, promoted.
	Jemadar Resaul Sing, ...	Subadar, ..	15th Nov. 1856,	Jehangeer Khan, deceased.
	Havildar Sawul Sing, ...	Jemadar, ...	Ditto,	Resaul Sing, promoted.
47th Regt. N. I.,	Jemadar Daviedeen Tewary,	Subadar, ..	1st May 1856,	Bhowanny Dooby, invalided.
	Havildar Shaick Bahadoor, ...	Jemadar, ..	Ditto,	Daviedeen Tewary, promoted.
50th Regt. N. I.,	Jemadar Meer Roshun Ally, ...	Subadar, ...	2nd December 1856,	Sewchurn Tewarry, deceased.
	Havildar Hunnooman Sing, ..	Jemadar, ..	Ditto,	Meer Roshun Ally, promoted.
62nd Regt. N. I.,	Havildar Buctour Miser, ...	Ditto, ..	18th July 1856,	Amaun Sing, deceased.
	Havildar Durriow Sing, ...	Ditto, ..	4th September 1856,	Sewsahie Misser, deceased.
	Jemadar Kissorie,	Subadar, ..	16th September 1856,	Jeyloll Tewary, deceased.
	Havildar Golab Sing, ...	Jemadar, ..	Ditto,	Kissorie, promoted.
63rd Regt N. I.,	Subadar Nijabut Khan,	Subadar Major, ..	10th August 1856	Shekh Hingun, deceased.
	Jemadar Jugurnath Doobe, ...	Subadar, ..	Ditto,	Ditto.
	Havildar Purmanund Pande,	Jemadar, .	Ditto.	Jugurnath Doobe, promoted.
72nd Regt. N. I.,	Havildar Durraub Khan, ...	Ditto, ..	16th November 1856	Doorgah Tewarry, deceased.
5th Regt. Irr. Cavy.	Kote Duffadar Meer Ultaf Ally, ...	Ditto, ..	20th September 1856	Goolam Nizamoodeen Khan, resigned.
7th Regt. Irr Cavy., ..	Jemadar Sahibdad Khan, ...	Naib Ressaldar, ..	15th September 1856,	Wuzeer Ally, deceased.
	Jemadar Ahysaun Khan, ..	Ditto, ..	3rd November 1856,	Allaoodeen Khan, deceased.
	Kote Duffadar Hemait Ally, ...	Jemadar, ..	15th September 1856	Sahibdad Khan, promoted.
	Kote Duffadar Salah Mahomed Khan.	Ditto. .	3rd November 1856,	Ahysaun Khan, promoted.
2nd Regt. Punjaub Cavy.. ..	Jemadar Golam Hyder Sudjozai,	Apptd. Woordie Major, ..	29th January 1857,	Neaz Mahomed Khan, transferred to the 3rd Oude Cavalry.
5th Regt. Punjaub Cavy., ..	Jemadar Ukwak Sing, of the 6th Ressallah Punjaub Mounted Police, ..	Ressaidar,	Ditto,	Buctour Sing, dismissed.
No. 2 Horse Lt Fd. By. Oude Irr. Force ..	Havildar Noher Singh, ..	Jemadar, ..	12th December 1856,	Abdoolah Khan, resigned
10th Regt. Oude Irr. Infy.. ...	Havildar Hindoo Dichit, ...	Ditto, ..	17th December 1856,	Bhowanydeen Dooby, resigned.
	Havildar Gungah Sing, ...	Ditto, ..	20th December 1856,	Gyadeen Dichit, resigned.
	Havildar Chutroor Tewary, ...	Ditto, ..	Ditto,	Punchum Sing, resigned.

No. 158 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on furlough, on private affairs :

Major and Brevet Lieutenant Colonel Alexander Corse Scott, of the 70th Regiment Native Infantry ... } For two years, under the new Regulations

Fort William, 30th January 1857.

No. 159 *of* 1857.—The Order issued by the Brigadier Commanding the Oude Irregular Force, dated 5th instant, appointing Mr. Veterinary Surgeon T. A. Hely, of the 7th Light Cavalry, to the charge of the 1st, 2nd, and 3rd Oude Light Field Batteries, in addition to his other duties, with effect from the 2nd January 1857, in room of Mr. Veterinary Surgeon T. P. Page, 1st Light Cavalry, who has proceeded with his Corps to Mhow, is confirmed.

No. 160 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotion :

3rd Regiment Light Cavalry.

Lieutenant Charles Ayshford Sanford to be Captain of a Troop, from the 27th January 1857, *vice* Captain Henry Stone, deceased.

No. 161 *of* 1857.—The following Order, issued by the Officiating Resident at Hyderabad, is confirmed :

No. 6, *dated* 16*th January* 1857.—Assistant Surgeon Day, 3rd Infantry, Hyderabad Contingent, has permission to proceed to Bombay, in anticipation of leave being granted to him by the Government of India to proceed to Europe on Medical certificate.

The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick certificate :

Assistant Surgeon Francis Day, of the Madras Medical Establishment, in Medical charge of the 3rd Regiment of Infantry, Hyderabad Contingent ...	For fifteen months, under the new Regulations.

No. 162 *of* 1857.—The services of the undermentioned Officers are placed at the disposal of the Foreign Department :

Brevet Major H. B. Lumsden, of the 59th Regiment Native Infantry, commanding the Corps of Guides.

Lieutenant P. S. Lumsden, of the 60th Regiment Native Infantry, Deputy Assistant Quarter Master General of the Army of the 1st Class.

Surgeon C. L. Cox, A. B., Medical Department.

No. 163 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe, on leave of absence, on Sick certificate :

Captain Felix Vincent Richard Jervis, of the 56th Regiment Native Infantry ...	For three years, under the old Regulations.
Lieutenant Charles Batchelor, of the 4th Regiment Light Cavalry, (Lancers) ...	For three years, under the old Regulations.
Assistant Surgeon Thomas Atchison, Civil, Goruckpore.	For eighteen months, under the new Regulations.

No. 164 *of* 1857.—The Right Hon'ble the Governor General in Council is pleased to direct that examinations shall be held annually, early in February, in each of the Stations of the Bengal Presidency, to which Superintending Surgeons are attached, for the purpose of filling up vacancies in the Military Class of the Medical College.

2. All candidates will be required to posses a knowledge of the Hindoostanee language adequate to enable them to read and write common letters or petitions and Hospital Registers of sick in the Devanagri and Persian characters and to converse with a Sepoy in the Hindoostanee language.

3. Although a knowledge of English will not be insisted on in all cases, a preference, in selection, is to be given to those candidates who possess a competent knowledge of English in addition to Hindoostanee.

4. The preference in selection, attainments being equal, will also be given to those who have already been attached to or served in Civil or Regimental Hospitals.

5. The candidates must be between the ages of 15 and 20 years.

6. No candidate will be allowed to present himself for examination who is physically unfit for the duties of a Soldier and who cannot produce a written testimonial of his conduct and character, or afford satisfactory evidence as to who and what he is. The strictest care and attention is to be exercised in examining the credentials of all candidates who will, in addition, be required to bring regular Descriptive Rolls in order that they may be identified.

7. The Superintending Surgeon is to prepare a General Roll (in the form hereafter given) of all candidates, to be laid before the Committee, the qualification columns being left blank for the Committee to fill up.

8. Committees for the examination of candidates will be convened by the Officer commanding the station upon the requisition of the Superintending Surgeons, and will consist of two Medical Officers and an Interpreter

9. These examinations will in future be final as regards the admission of the candidates into the Medical College ; no subsequent examination in the College of Fort William being required.

10. Each passed candidate is to be furnished by the Superintending Surgeon with a Descriptive Roll in the subjoined Form, which he is to present

to the Principal of the College, and which will be his Warrant for admission as a student —

Descriptive Roll of a Candidate for Examination for a Studentship in the Military Class of the Medical College.

(Here insert Station and Date.)

Name.	Age.	Caste.	Father's Name.	City, Town, or Village.	District or Pergunnah.	Character from Testimonials.	Hindoostanee qualification	English qualification.
		Mussulman or Hindoo.				Good.	Persain or Devanagri. Superior. Good. Fair. As the case may be.	None. Superior. Good. Fair. As the case may be.

A. B., Surgeon, *President.*
C. D., Surgeon, *Member.*
E. F., Lieutenant and Interpreter.

G. H., Superintending Surgeon,
Division or Circle.

11. All pupils must, as a condition of their appointment, reside within the College premises at all times, and never be absent from morning and evening Muster without special leave.

12. All students of the Military Class who, on leaving the College after having passed through their studies with credit, shall be certified to possess a competent knowledge of the English language including Orthography, the meaning of words, writing from Dictation and Simple Arithmetic as far as the Rule of Three, shall, until further notice, be allowed a bonus of Company's Rupees (250), Two hundred-and-fifty.

13. All students of the Military Class are amenable to the Articles of War and regularly enlisted as Soldiers.

No. 165 *of* 1857.—The Order issued by the Brigadier Commanding the Oude Irregular Force, dated the 9th instant, appointing Lieutenant G. J. Bax, Officiating Adjutant 1st Regiment Oude Irregular Cavalry, to officiate as 2nd in Command of that Corps, in addition to his other duties during the absence of Lieutenant W. T. Johnson, directed to proceed to Bombay, or until further orders, is confirmed.

No. 166 *of* 1857.—The services of Lieutenant C. D. Innes, of the Corps of Engineers, are placed at the disposal of the Public Works Department.

No. 167 *of* 1857.—The under-mentioned individual is admitted to Pension as specified opposite to his name, under the provisions of Minutes of Council of the 11th January 1797 and General Order of the 5th February 1820, subject to the confirmation of the Hon'ble the Court of Directors :

Garrison Serjeant Major William Trumble, formerly of the Artillery, now attached to the Garrison of Agra	Two Shillings per diem, payable in Europe.

No. 168 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointments :

Regiments of Sikh Infantry.

4TH INFANTRY.

Lieutenant G. A. Williams, Officiating Adjutant and Officiating 2nd in Command, to be 2nd in Command, *vice* Lieutenant Nicholson, deceased.

1ST INFANTRY.

Lieutenant B. S. B. Parlby, of the 7th Regiment Native Infantry, to do duty.

2ND INFANTRY.

Lieutenant H. L. C. Bernard, of the 3rd Regiment Native Infantry, to do duty.

3RD INFANTRY.

Lieutenant W. S. Pierson, of the 54th Regiment Native Infantry, to do duty.

4TH INFANTRY.

Lieutenant J. D. Smith, of the 74th Regiment Native Infantry to do duty.

Punjaub Irregular Force.

1ST CAVALRY.

Lieutenant C. S. Maclean, of the 3rd European Regiment, to do duty, *vice* Lieutenant Graham.

2ND CAVALRY.

Lieutenant G. A. Graham, of the 28th Regiment Native Infantry, to do duty, *vice* Lieutenant Millett, appointed to another situation.

2ND INFANTRY.

Lieutenant H. C. P. Rice, of the 73rd Regiment Native Infantry, to do duty, *vice* Lieutenant Craigie, appointed to another situation.

No. 169 *of* 1857.—Major G. O. Jacob, of the 1st European Bengal Fusiliers, Commandant of the 4th Regiment of Cavalry, Punjab Irregular Force, is allowed leave of absence, for six months, to visit Cashmere, Simla, the Hills north of Deyrah and Almorah, on private affairs, under the New Regulations, and is permitted, at his own request, to resign his appointment in the Punjaub Cavalry from the date on which he may make over Command of the regiment. Major Jacob's services are accordingly placed at the disposal of His Excellency the Commander-in-Chief from the above date.

No. 170 *of* 1857.—The services of Lieutenant W. Carnell, of the 3rd European Regiment, are placed at the disposal of the Foreign Department.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India,
in the Mily. Dept.

No. 139.

QUARTERLY REPORT OF THE BOARD OF EXAMINERS, FOR THE QUARTER ENDING 31ST DECEMBER 1856.

Report on the Examination of the Junior Unpassed Civil Servants, in Persian, Oordoo, Hindee, and Bengalee, held in October 1856.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	Thornton, ..	N W P	15 Sep. 56,	17 Sep. 56,	Not passed in any language.
2	Aitchison, ..	N W P	24 Sep. 56,	26 Sep. 56,	Ditto
3	Warrand, ..	N W P	24 Sep. 56,	26 Sep. 56,	Ditto
4	Browne, ..	B	22 Jan 56,	25 Jan. 56,	Passed in Oordoo 1st Feb. 1856, and in Bengalee 1st April 1856 Qualified for the Public Service. Passed in Oordoo with marked proficiency 1st April 1856 and in Bengalee with marked proficiency 1st May 1856. Received a medal of merit and a prize of one thousand Rs. Passed for Certificates of high proficiency in Bengalee 1st July 1856, and in Oordoo 1st August 1856. Studying for Honors.
5	Moore, ..	N W P	27 Apl. 56.	1 May 56,	Studying at Mirzapore. Passed on the 1st Instant. Has to pass in a second language
6	Boulderson, ..	N W P	6 Nov. 55,	7 Nov 55,	Studying at Benares. Not passed in any language.

OORDOO.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	Tottenham, ..	B	11 July 56,	15 July 56	Passed on the 1st Instant. Has to pass in a second language.
2	Butler, ..	B	29 Aug. 56,	1 Sep 56,	Not passed in any language.
3	Bell, ..	B	29 Aug. 56,	1 Sep. 56,	Ditto
4	Reynolds, .	B	24 Sep. 56,	26 Sep. 56,	Ditto
5	Hankey, ..	B	13 June 56	15 June 56,	Absent on Medical Certificate Not passed in any language.
6	Trotter, .	B	24 Nov. 55,	27 Nov. 55,	Absent from Calcutta on Medical Certificate. Not passed in any language.

HINDEE.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	Perkins, .	N W P	24 Sep 56,	27 Sep. 56,	Passed on the 1st Instant. Has to pass in a second language.
2	North, ..	N W P	27 Apl. 56,	1 May 56,	Passed on the 1st Instant. Qualified for the Public Service, having passed in Oordoo 2nd June 1856 and in Persian 1st August 1856.
3	Jones, ..	N W P	15 Sep. 56,	17 Sep. 56,	Not passed in any language.
4	Turner, ..	N W P	1 Feb. 56,	4 Feb. 56,	Studying at Benares. Not passed in any language.
5	Colvin,	N W P	6 Nov 55,	7 Nov. 55,	Studying at Nynee Tal. Passed in Persian 5th July 1856.

BENGALEE.

Nos.	Names.	Division of Presidency.	Date of Arrival.	Date of Initiatory Examination.	Remarks.
1	Bayley, ..	B	3 Mar. 56,	5 Mar. 56,	Passed in Persian 1st May 1856 and in Oordoo 1st August 1856. Studying his third language.
2	Taylor, ..	B	6 Nov. 55,	7 Nov. 55,	Passed in Oordoo 5th May 1856.
3	Taylor, ..	B	18 Mar 56,	20 Mar. 56,	Passed in Oordoo 10th July 1856.
4	Prinsep, ..	B	7 Dec. 55,	8 Dec. 55	Studying at Midnapore. Passed on the 1st Instant. Qualified for the Public Service, having passed in Oordoo 1st Mar. 1856. Received a Medal of Merit in Oordoo
5	Barlow, .	B	6 Nov. 55,	7 Nov. 55,	Studying at Berhampore. Passed on the 4th Instant, Qualified for the Public Service, having passed in Oordoo 1st March 1856.
6	Grant, ..	B	6 Nov. 55,	7 Nov. 55,	Studying at Dacca. Passed in Oordoo 1st Feb. 1856.
7	Cockerell, ..	B	22 Jan. 56,	25 Jan. 56,	Studying at Burdwan. Passed in Oordoo 1st May 1856.
8	Alexander, .	B	1 Feb. 56,	4 Feb. 56,	Studying at Beaulah Passed in Oordoo 1st May 1856.

Report on the Examination of the Junior Unpassed Civil Servants, in Persian, Oordoo, Hindee and Bengalee, held in November 1856

PERSIAN.

Nos	Names.	Division of Presidency	Date of Arrival	Date of Initiatory Examination.	Remarks.
1	Perkins, ..	N W P	24 Sept 56,	27 Sept. 56,	Passed on the 1st Instant, Qualified for the Public Service having passed in Hindee 1st October 1856 Studying for Honors
2	Sandys, .	N W P	22 Oct 56,	25 Oct 56,	Permitted to study at Gya, Not passed in any language
3	Thornton,	N W P	15 Sept 56,	17 Sept 55,	Not passed in any language
4	Aitchison, .	N W P	24 Sept 56	26 Sept. 56,	Ditto
5	Warrand, .	N W P	24 Sept. 56,	26 Sept. 56	Ditto
6	Browne, .	B	22 Jan. 56,	25 Jan 56.	Passed in Oordoo 1st Feb 1856, and in Bengalee 1st April 1856 Qualified for the Public Service Passed in Oordoo with marked proficiency 1st April 1856, and in Bengalee with marked proficiency 1st May 1856. Received a medal of merit and a prize of one thousand Rupees Passed for certificates of high proficiency in Bengalee 1st July 1856 and in Oordoo 1st August 1856. Studying for honors
7	Boulderson	N W P	6 Nov 55,	7 Nov 55	Studying at Benares. Not passed in any language

OORDOO

Nos	Names	Division of Presidency	Date of Arrival	Date of Initiatory Examination	Remarks
1	Butler,	B	29 Aug 56,	1 Sept 56,	Passed on the 1st Instant. Has to pass in a second language
2	Bell, .	B	29 Aug 56,	1 Sept. 56	Not passed in any language
3	Reynolds,	B	24 Sept. 56,	26 Sept 56	Ditto
4	Sandford,	B	22 Oct 56,	25 Oct 56,	Ditto
5	Inglis,	B	22 Oct 56,	25 Oct. 56,	Ditto
6	Hankey,	B	13 June 56,	15 June 56	Ordered to study at Bhaugulpore Not passed in any language
7	Trotter,	B	24 Nov 55,	27 Nov 55,	Absent from Calcutta, on Medical Certificate Not passed in any language

HINDEE

Nos.	Names.	Division of Presidency	Date of Arrival	Date of Initiatory Examination.	Remarks
1	Jones, .	N W P	15 Sept 56,	17 Sept 56,	Passed with marked proficiency on the 1st Instant Has to pass in a second language.
2	Perkins,	N W P	24 Sept 56,	27 Sept 56	Passed with marked proficiency on the 1st Instant,
3	Wilson,	N W P	22 Oct 56	25 Oct 56,	Not passed in any language,
4	Cordary,	N W P	22 Oct. 56,	25 Oct 56,	Ditto
5	King,	N W P	22 Oct. 56,	25 Oct. 56,	Ditto
6	Colvin, .	N W P	6 Nov 55,	7 Nov 55	Studying at Nynee Tal. Passed on the 6th Instant, Qualified for the Public Service, having passed in Persian 5th July 1856.
7	Turner,	N W P	1 Feb 56,	4 Feb 56,	Studying at Benares Not passed in any language
8	Moore,	N W P	27 April 56,	1 May 56,	Studying at Mirzapore. Passed in Persian 1st October 1856

BENGALEE

Nos.	Names	Division of Presidency	Date of Arrival	Date of Initiatory Examination	Remarks
1	Bayley,	B	3 Mar 56,	6 Mar. 56,	Passed on the 1st Instant. Qualified for the Public Service, having passed in Persian 1st May 1856 and in Oordoo 1st August 1856
2	Tayler,	B	6 Nov 55,	7 Nov 55,	Passed in Oordoo 5th May 1856,
3	Tottenham	B	11 July 56,	15 July 56,	Passed in Oordoo 1st Oct. 1856
4	Harris,	B	22 Oct 56,	25 Oct. 56	Not passed in any language.
5	Cockerell	B	22 Jan 56,	25 Jan 56	Studying at Burdwan Passed on the 3rd Instant, Qualified for the public service, having passed in Oordoo 1st May 1856.
6	Grant,	B	6 Nov 55,	7 Nov 55,	Studying at Dacca Passed in Oordoo 1st Feb 1856
7	Alexander,	B	1 Feb 56	4 Feb 56,	Studying at Beauleah. Passed in Oordoo 1st May 1856
8	Taylor, .	B	18 Mar 56,	20 Mar 56,	Studying at Patna. Passed in Oordoo 10th July 1856.

Report on the Examination of the Junior Unpassed Civil Servants, in Persian, Oordoo, Hindee and Bengalee, held in December 1856

PERSIAN

Nos	Names	Division of Presidency	Date of Arrival	Date of Initiatory Examination.	Remarks
1	Aitchison,	N W P	24 Sept. 56,	26 Sept 56,	Passed on the 1st Instant Has to pass in a second language
2	Thornton,	N W P	15 Sept. 6	17 Sept. 56,	Not passed in any language
3	Braden,	N W P	16 Nov 56,	20 Nov. 56,	Ditto
4	Warrand, .	N W P	24 Sept. 56,	26 Sept 56	Ditto
5	Lumsden,	N W P	16 Nov 56,	20 Nov 56,	Ditto
6	Ross, H S J	N W P	16 Nov 56,	20 Nov 56	Ditto
7	Ross, H. G ,	N W P	16 Nov 56	20 Nov 56,	Ditto
8	Jones, .	N W P	15 Sept 56,	17 Sept. 56,	Passed with marked proficiency in Hindee 1st Nov 1856.
9	Inglis, .	N W P	22 Oct. 56,	25 Oct 56,	Not passed in any language
10	Browne, ..	B	22 Jan 56,	25 Jan. 56	Passed in Oordoo 1st Feb 1856, and in Bengalee 1st April 1856 Qualified for the Public Service. Passed in Oordoo with marked proficiency 1st April 1856 & in Bengalee with marked proficiency 1st May 1856. Received a Medal of Merit & a prize of one thousand rupees. Passed for Certificates of High Proficiency in Bengalee 1st July 1856, and in Oordoo 1st Aug. 1856. Studying for Honors
11	Perkins, .	N W P	24 Sept 56	27 Sept. 56,	Passed with marked proficiency on the 1st Instant Passed in Hindee 1st Oct. 1856, and in Persian 1st Nov. 1856 Qualified for the Public Service Received a Medal of Merit for marked proficiency in Hindee on the 1st Nov. 1856 Studying for Honors
12	Poulderson,	N W P	6 Nov 55	7 Nov 55,	Studying at Benares. Not passed in any language.
13	Sandys, .	N W P	22 Oct. 56,	25 Oct. 56,	Studying at Gya. Not passed in any language
14	Lawrence .	N W P	10 Nov 56,	.. ..	Permitted to study at Neemuch. Not passed in any language

OORDOO

Nos.	Names	Division of Presidency	Date of Arrival.	Date of Initiatory Examination	Remarks.
1	Reynolds, ..	B	24 Sept 56,	26 Sept. 56	Passed on the 1st Inst Has to pass in a second language.
2	Bell, ..	B	29 Aug 56,	1 Sept 56	Not passed in any language .
3	Pent,	B	16 Nov 56	20 Nov 56	Ditto
4	Sandford, .	B	22 Oct. 56,	25 Oct 56.	Ditto
5	Cornell,	B	20 Nov 56	24 Nov 56	Ditto
6	Alexander, W M	B	30 Oct 56,	1 Nov 56,	Ditto
7	Lockwood, .	B	30 Oct. 56	1 Nov 56,	Permitted to study at Hooghly Not passed in any language
8	Halliday,	B	30 Oct 56,	1 Nov 56	Not passed in any language
9	Hankey,	B	13 June 56,	15 June 56,	Studying at Bhaugulpore Not passed in any language
10	Trotter,	B	24 Nov. 55	27 Nov 55,	Absent from Calcutta on Medical Certificate Not passed in any language.

HINDEE.

Nos	Names.	Division of Presidency	Date of Arrival.	Date of Initiatory Examination	Remarks.
1	Wigram,	N W P	30 Oct 56,	1 Nov. 56,	Not passed in any language
2	Cordery,	N W P	22 Oct. 56,	25 Oct. 56,	Ditto
3	Caulfeid, .	N W P	30 Oct 56,	1 Nov. 56,	Ditto
4	King, .	N W P	22 Oct. 56,	25 Oct. 56,	Ditto
5	Taylor, R	N W P	16 Nov 56,	18 Nov 56,	Ditto
6	Quinton,	N W P	16 Nov 56,	18 Nov. 56,	Ditto
7	Oldham,	N W P	16 Nov 56,	18 Nov 56,	Ditto
8	Wilson, .	N W P	22 Oct. 56,	25 Oct. 56,	Absent on Medical Certificate. Not passed in any language
9	Turner,	N W P	1 Feb 56,	4 Feb. 56,	Studying at Benares Not passed in any language.
10	Moore,	N W P	27 April 56,	1 May 56,	Studying at Mirzapore. Passed in Persian 1st Oct 1856

BENGALEE.

Nos	Names.	Division of Presidency	Date of Arrival	Date of Initiatory Examination	Remarks
1	Butler, ..	B	29 Aug 56,	1 Sept 56	Passed in Oordoo 1st Nov 1856.
2	Tottenham, .	B	11 July 56,	15 July 56	Passed in Oordoo 1st Oct. 1856
3	Harris, ..	B	22 Oct. 56,	25 Oct. 56,	Not passed in any language.
4	Alexander, H W. .	B	1 Feb. 56,	4 Feb. 56,	Studying at Beaulah. Passed on the 1st Inst Qualified for the Public Service having passed in Oordoo 1st May 1856.
5	Grant, ..	B	6 Nov. 55.	7 Nov 55,	Studying at Dacca. Passed in Oordoo 1st Feb. 1856
6	Taylor, V. T	B	18 Mar 56,	20 Mar 56	Studying at Patna. Passed in Oordoo 10th July 1856.
7	Tayler W V G	B	6 Nov 55,	7 Nov 55,	Ordered to study at Cuttack. Passed in Oordoo 5th May 1856.

By Order of the Board of Examiners,
(Sigued) E. St. George, *Captain*,
Offg Secy. to the Board of Examiners.

Dated Fort William, the 23rd January 1857.

By Order of the Right Hon'ble the Governor General in Council,
(Signed) Cecil Beadon, *Secy. to the Govt. of India.*

Opium Notification.

NOTICE is hereby given, that the Second Sale of Opium, the Provision of 1855 56 will be held at the Exchange Hall on Tuesday, the 10th February 1857, at 11 A. M., and will comprize 3 655 Chests, *viz.* :—

	Chests.
Behar Opium, ...	2,540
Benares ditto, ...	1,115
Total Chests, ..	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 16th and 25th February 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Monday, the 16th February 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Wednesday, the 25th February 1857.—

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1855-56 will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday, 13th March 1857.	2540	1115	3655
On or about Monday, 13th April ,,	2540	1115	3655
On or about Monday, 11th May ,,	2540	1115	3655
On or about Wednesday, 10th June,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday 10th August ,,	2540	1115	3655
On or about Friday, 4th September,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thursday, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2559	1141	3700
	25419	11176	36595

By order of the Board of Revenue,

C. S. BELLI,
Offg. Junior Secretary.

FORT WILLIAM,
The 24th January 1857.

Notice.

THE General Treasury will be closed on Friday, the 30th, and Saturday, the 31st Instant, on account of the Hindoo Holidays, Shree Punchomee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 20th January 1857.

Notice.

The usual Withdrawal Fee will be charged on all Government Securities remaining in the custody of Government after three months from this date.

J. A. CRAWFORD,
Govt. Agent.

GOVERNMENT AGENT'S OFFICE,
The 26th January 1857.

Notification.

No. 42.

MR J. C. MARTIN, Sub-Assistant Commissioner, received charge of the Gowalparah Treasury on the 20th instant.

G. G. MACKINTOSH,
Accountant to the Govt. of Bengal.

FORT WILLIAM;
Office of Acctt. to the Govt. of Bengal,
The 29th January 1857.

Notification.

THE undersigned is requested to give notice, that the Madras Exhibition will be opened on Monday, the 16th of February 1857, and that articles for transmission to the Exhibition will be received at the Mint until the 5th of February 1857.

J. H. BELL,
Officiating Mint Master.

CALCUTTA MINT,
The 15th January 1857.

Sheriff's Office, the 7th January 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Wednesday, the Fourth day of February next, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

শরিফ আফিস ৭ জেনুআরি ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামি ৪ ফেবরুআরি বুধবার দুই প্রহরের সময় কলিকাতার ফোজদারি আদালতের এবং তাহার অন্তঃপাতি যে সকল স্থান তাহা লইয়া বঙ্গদেশের ফোর্ট উইলিয়মের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েষ্টরমিনষ্টর এবং অডমাইরেলটি অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তি জন্য এক সেশনিয়ান অর্থাৎ মিছিল করিবেন।

এই সেশনিয়ান যতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,
Sheriff.

Abkaree Notification.

NOTICE is hereby given, with reference to Sections 6, 26, 32, 33, 34, 39, 80, 82, Act XXI. of 1856, that, with the sanction of Government, the Rules of the Abkaree Department, now in force, will continue to be enforced after the 1st February 1857, pending the preparation of revised Rules under the provisions of the said Act.

By order of the Board of Revenue,

C. S. BELLI,

Offg. Junior Secretary.

FORT WILLIAM,
The 14th January 1857

NOTICE is hereby given, that an Examination will be held on Monday, the 16th February 1857, for the purpose of testing the acquirements of Candidates for Certificates of qualification as Regimental Moonshees and as Teachers of the Unpassed Civil Servants, according to General Orders by the President of the Council of India, dated 9th October 1850, and the Government Notification, dated the 24th January 1854, respectively.

Candidates are requested to send in their applications stating the language or languages to be passed in, on or before the 12th proximo.

By order of the Board of Examiners,

E ST. GEORGE, *Captain,*

Offg. Secy. to the Board of Examiners.

BOARD OF EXAMINER'S OFFICE ;
No. 1, *Little Russell Street,*
The 29th January 1857.

اشتهار داده میشود

که حسب الحکم جنرل آرد رمورخهٔ نهم اکتوبرسنه ۱۸۵۰ ع وموافق حکم گورنمنت مورخهٔ بست وچهارم جنوري سنه ۱۸۵۴ ع امتحان امیدواران عهدهٔ منشیگري پلٹن وتدریس صاحبان اهل قلم دربورد آف اکزامنرس بتاریخ بست وچهارم ماه فبروري سنه حال روزمه شنبه مقرر گردیده است هرکرا امتحان دادن منظور باشد باید که تا بست ویکم ماه مذکور قطعه درخواست نامه بقید زبان یعني درکدام زبان امتحان خواهند داد نوشته نزد سکرٹري بورد مذکور بگذراند و تحریر في الفاریخ بست ونهم جنوری سنه ۱۸۵۷ ع

واضح باد که دفترخانهٔ مذکور در لیٹل رسل استریٹ چورنگي واقع است

By order of the Board of Examiners,

E. ST. GEORGE, *Captain,*

Offg. Secy. to the Board of Examiners.

Supreme Court of Judicature at Fort William in Bengal.

RECEIVER'S OFFICE.

IN EQUITY.

Doorga Churn Dutt,
versus
Juggernathpersaud Mullick and others.

NOTICE is hereby given, that on Saturday, the 14th day of February 1857, at one o'clock in the afternoon, Charles Swinton Hogg, Esquire, Receiver of the Supreme Court, will put up at his Office for Lease, the under-mentioned Villages and Lands, &c., &c., belonging to the Defendant above-named, upon such terms and conditions and upon such security as he may think fit, that is to say—

In Zillah Hooghly.

Six annas part or share of four several Mohattran Villages called or known by the respective names of Jhorehaut, Augorie, Proshoto, and Haut Rauzgunge, situate in Pergunnah Anisah

Eight annas part or share of a certain Garden, with appurtenances, and the piece of land thereunto belonging, situate in Jhorehaut, in Pergunnah Anisah.

Eight annas part or share of several pieces of Mohattran Lands, situate in three several Villages called or known by the respective names of Jhorehaut, Augorie, and Proshoto, in Pergunnah Anisah

Eight annas part or share of the two several Ghauts of Surrussutty Nuddy, situate in the Village of Jhorehaut, in Pergunnah Anisah.

Eight annas part or share of a certain Ghaut of Kattee Gungah, situate in the Village of Haut Rauzgunge, in Pergunnah Anisah.

Eight annas part or share of the Khaul called Basdebpore Khaul, situate in the Village of Basdebpore, in Pergunnah Anisah.

Eight annas part or share of several pieces of Mohattran Lands, situate in a certain Village called Jottabagundah, either in Pergunnah Bossundary Anisah or Mundul Ghaut.

In Zillah 24-Pergunnahs.

Eight annas part or share of a certain Garden with appurtenances, together with the Churrah of Mossinah Khaul, and the piece of land thereunto belonging, situate at Mirzapore, in Pergunnah Moozaferrah.

Eight annas part or share of the several pieces of Mohattran Lands, situate in six Villages, called or known by the respective names of Mirzapore, Jaughpore, Ramchunderpore, Saukrell, Banoopore, and Dawcoah, all situate in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in Village Chuckgobindpore, in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in a certain Village called Andool, in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in several Villages called or known by the names of Rogoonathpore, Moosgoote, otherwise called Nyah Chuck Coosberriah and Kismut Banoopore within Augorie, in Pergunnah Moozaferrah.

Eight annas part or share of a Village called by the name of Mirzapore otherwise called Gor Mirzapore, in Pergunnah Moozaferrah.

For further particulars, apply at the Receiver's Office, Supreme Court.

RECEIVER'S OFFICE; COURT HOUSE,
The 27th January 1857.

Notice.

It is hereby notified for general information, that all Bills and Receipts connected with the Military Orphan Press will, from the 18th December 1856, be signed and collected by the Superintendent of the Press, Mr. A. G. Roussac.

By order of the General Management of the Military Orphan Society,

J. O. BECKETT,
Secretary, M. O. S

KIDDERPORE,
The 14th January 1857.

Notice.

THE interest and responsibility of MR. ALEXANDER WALLACE ceased in our firm on the 10th December 1856.

(Signed) HENDERSON WALLACE & Co.

THE heirs of the late Mr. Christian Graf, having this day relinquished their interest in the firm of GRAF and BANZIGER, the business will henceforth be carried on by me under the same firm and on my sole account.

WM. KRAHNSTÖVER.
Calcutta, 1st January 1857.

LOST.—The second-half of a Bank of Bengal Note, No. 03159, for Rupees 25, payment of which has been stopped at the Bank.

LOST.—One-half of a Bank of Bengal Note, No. 12327, valued Co.'s Rs. 10.

One-half of a Bank of Bengal Note, No. 04882, valued Co.'s Rs. 20.

Any person procuring the same to the printer, will be adequately rewarded.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ..	Without charge

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

Statement of the Affairs of the Bank of Bengal for the Week ending 28th January 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital	1,07,00,000	0	0	Government Securities	17,23,874	13	10
Reserve Fund	4,02,166	15	7	Dues from Government	21,665	4	5
Current Accounts	64,47,678	7	3	Mint Certificates, Undue	19,38,148	8	2
Cash Credits Undrawn	20,18,810	9	4	Cash	75,40,938	3	10
Other Claims	49,361	10	7	Loans on Deposit of Securities -	1,83,12,556	14	2
Bank Notes and Post Bills	1,73,99,585	15	11	Accounts of Credit on ditto	35,89,177	3	3
				Government Bills Discounted	12,93,990	6	6
				Mercantile Bills ditto	24,18,831	9	8
				Dead Stock	1,78,370	10	10
Co.'s Rs.....	3,70,17,553	10	8	Co.'s Rs....	3,70,17,553	10	8

Published by order of the Directors,

C. N. COOKE,
Accountant.

J. B. PLUMB,
Secretary and Treasurer

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,
Secretary.

No. 2, Council House Street,
Calcutta, 30th January 1855.

The London and Eastern Banking Corporation.

INCORPORATED BY ROYAL CHARTER.

Exchange on London.

		s.	d.	
At 6 months' sight	...	2	1⅞	per Re.
At 3 „ „	...	2	1⅞	„
At 2 „ „	...	2	1¼	„
At 1 „ „	...	2	1⅛	„
At sight	...	2	1	„
On Scotland, at 1 month's sight		2	1	„
On ditto, at sight	...	2	0⅞	„

The Corporation receive for safe custody Government or other Securities, realize and remit Dividends, Interests, and Proceeds of Sale, and grant Drafts on Bombay, Simla, Agra, Delhi, and Lucknow.

Interest Deposit Rules.

Interest is allowed on sums deposited with the Corporation as follows; *viz.* :—

For 12 months certain, and subject to two months' notice of withdrawal (open to Shareholders only)...	*7 per Cent. per Anm.*
For 6 months certain, and 45 days' notice of withdrawal ...	*6 per Cent. per Anm.*
For 3 months certain, and 30 days' notice of withdrawal ...	*5 per Cent. per Anm.*
On Home Remittance Deposits payable on demand by Bills on London ...	*5 per Cent. per Anm.*
On Floating Deposits withdrawable on demand ...	*2 per Cent. per Anm.*

Interest is credited to Deposit Accounts half-yearly.

No Interest is allowed on Deposits under 500 Rupees.

No Cheques cashed nor money received under 50 Rupees.

Commission.

On Purchase or Sale of Government or other Securities ...	*One-Quarter per Cent.*
On Collection of Foreign Bills, &c. ...	*One-Half per Cent.*
On realizing Interest or Dividends ...	*One-Quarter per Cent.*

If the Funds realized on account of Constituents are remitted in Bills of the Corporation, no Commission will be charged.

Hours of business from 10 *to* 3 *o'clock, except on Saturdays, when the Bank closes at* 1 *p. m.*

J. MACKELLAR,
Manager.

LONDON & EASTERN BANKING CORPORATION,
1*st January* 1857.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume,

Strongly bound in Cloth Covers.

PRICE TO SUBSCRIBERS—10 RUPEES.
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TOGETHER WITH

An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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ADVERTISEMENTS.

SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notification.

No. 1810.

OVERLAND MAIL.

THE Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, and Aden, per P. and O. Co.'s Steamer *Bengal*, will be closed at this Office on Saturday, the 7th proximo.

1*st.*—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories directed *viâ* Great Britain and Marseilles as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd.*—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd.*—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles or *viâ* Trieste, and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th.*—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th.*—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th.*—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th.*—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th.*—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th.*—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th.*—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwhich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th.*—Only one paper can be sent in one cover.

C. K. DOVE,
Deputy Post-master General.

FORT WILLIAM;
General Post Office,
The 27th January 1857

No. 1809.

NOTICE is hereby given, that the Mails for Madras, Ceylon, Mauritius, Cape of Good Hope, St Helena, Ascension, and London, for transmission per Mail Contract Steamer *Robert Lowe*, will be closed at this Office, on Saturday, the 14th proximo.

Pre-payment on Letters to Madras, Ceylon, and London, is optional; but Letters for Mauritius, Cape of Good Hope, St. Helena, and Ascension, must be pre-paid at the following rates:

½	Ounce	...	0	4	0
1	„	...	0	8	0
2	„	...	1	0	0

So on, adding 8 annas for every Ounce or a fraction of an Ounce.

Newspapers and Price Currents must be pre-paid 9 Pie each, and when posted at a Mofussil Post Office, the Inland Indian Postage must be pre-paid in addition to Steam Postage.

Newspapers and Price Currents for Great Britain, when posted at Calcutta, cannot be pre-paid.

Only one paper can be sent under one cover.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA;
General Post Office,
The 29th January 1857.

Postal Notice.

The Public are informed, that the *Transit* rate of Postage on letters conveyed to, and from, England and India *viâ Marseilles*, is reduced from 5 to 3 pence per ½ oz., as shown by the following Table :

Weight.	Combined British and Indian Rate.	Additional or Transit Charge through France.	Total Charge.
	Rs. As. P.	Rs. As. P.	Rs. As. P.
Not exceeding ¼ of an Ounce	0 4 0	0 2 0	0 6 0
Not exceeding ½ of an Ounce	0 4 0	0 4 0	0 8 0
Not exceeding ¾ of an Ounce	0 8 0	0 6 0	0 14 0
Not exceeding 1 Ounce	0 8 0	0 8 0	1 0 0

And so on, adding 2 Annas for every quarter of an ounce, in addition to the combined British and Indian rate chargeable on the letter.

A corresponding reduction is also made in the Postage on all pre-paid letters forwarded through the United Kingdom to British Colonies, or Foreign Countries, when sent to the United Kingdom *viâ Marseilles* It is to be observed, however, that the Postage, so paid, does not include the Postage between the United Kingdom and the British Colonies or Foreign Territories.

Her Majesty's Post Master General has intimated, that the charges upon letters conveyed directly between France and India, *viâ Egypt*, have been reduced, but in future, will be *levied in France* and *not in India*. All such letters, however, whether on despatch, or receipt, will be subject to Inland or Indian Postage, excepting when posted, or received, at the Presidency Town Post Offices, in accordance with Clause VI. of the Post Office Act of 1854.

G. Paton,
Offg. Director General of the Post Office in India.

The 29th January 1857.

Packets for the reception of Letters by the following Ships are open at this Office :—

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Asa Parker ...	Gordon, Stewart & Co.	31st Jan. 1857 ..	Sydney.		
Sutlej ...	Peel, Bellairs and Co...	3rd February ,, ..	London.		
Agamemnon ...	Allan, Deffell & Co. ..	5th ditto '...	Ditto.		
Blenheim ...	Gillanders, Arbuthnot & Co. ..	5th ditto ..	Ditto.		
Steamer Bengal ...	P. & O. S. N. Company	8th ditto ..	Suez ..	Madras, Ceylon, and Aden.	
Steamer Robert Lowe	Shand, Fairlie & Co. ..	15th ditto ..	London ..	Madras, Ceylon, Mauritius, Cape, St. Helena, and Ascension.	
Southern Cross ...	Mackey & Co. ..	In a day or two ..	Sydney.		

Calcutta ;
General Post Office,
The 30th January 1857.

C. K. Dove,
Deputy Post-master General.

CALCUTTA :—Printed and Published by John Gray, *at the* "Calcutta Gazette" Office, *No. 5½, Council-House Street, for the Government Contractors,* Samuel Smith and Co., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, JANUARY 31, 1857.

Land-Sale Notices.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Burdwan, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday the 13th February 1857, corresponding with the 3rd Falgoon 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently settled-estates.

No. 1377.—Mehal Aymah Majeegong, Pergunnah Dhareah ; recorded proprietors, Sreemunt Roy and Bholanath Roy ; sudder jumma, Rupees 54-12-8, exclusive of Maheua Mathootee 0-12-9

No. 1442.—Mehal Aymah Munglecote, Pergunnah Auzmutsahee, recorded proprietress ; Aneemun Nessa Bebee ; sudder jumma, Rupees 17-14-10, exclusive of Maheena Mathootee 0-5-7.

No. 1445.—Mehal Aymah Munglecote, Pergunnah Auzmutsahee ; recorded proprietress, Aneemun Nessa Bebee ; sudder jumma, Rupees 11-6-1, exclusive of Maheena Mathootee, 0-2-10.

No. 3863.—Mehal Daurparah, &c., Pergunnah Roypoor ; recorded proprietors, Sreekist Chuttopadha, Soodakist Chuttopadha, Sreemutee Manick Deba, Jugodumba Deba, and Gobindo Deba ; sudder jumma, Rupees 10-6-11.

H. M. Reid,
Offg. Collector.

Burdwan ;
Collector's Office,
The 19th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Sarun, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Wednesday, the 11th February 1857, or 3rd Falgoon 1264, Fuslee, for Arrears of Revenue :—

Class I.—Permanently-settled Estate.

No. 282.—Deara Chintamunpoor, Pergunnah Goah ; recorded proprietor, Hurpershad Sing ; sudder jumma, Rupees 161.

J. Macleod,
Deputy Collector of Sarun in Charge.

Sarun ;
Collector's Office,
The 16th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Hooghly, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday the 6th February 1857, or 25th Maugh 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 457.—Kismut Ramessurpore, Pergunnah Arsha ; recorded proprietor, Neelmony Dutt ; sudder jumma, Rupees 19-5-4.

No. 1774.—Kismut Pole, Pergunnah Bhoorshet ; recorded proprietors, Bhagbut Mannah, Bissumbhur Mannah, Nundoolall Mannah, and Bystub Doss Mannah, Sabaits of Essur Bahareelall Jeeoo and Bhagbut Chunder Poddar ; sudder jumma, Rupees 19-14-8.

No. 2508.—Kismut Koorchee, Pergunnah Bhoorsheet ; recorded proprietors, Ramjee Bannerjea and Ramkanto Mookerjea ; sudder jumma, Rupees 37-1-3.

No. 2517.—Kismut Koorchee, Pergunnah Bhoorsheet ; recorded proprietors, Ramjee Banerjea and Ramkantoo Mookerjea ; sudder jumma, Rupees 13-11-8.

E. GREY,
Asst. Collector in Charge.

HOOGHLY ;
Collectorate,
The 20th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Dacca, will be put up to Public and unreserved sale, at the Collector's Office of that District, on the 9th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class 1.—Permanently-settled Estates.

No. 86.—Kismut Khoyracandy, Tuppa Bakeepore, Dukhul Cosseenauth Roy ; recorded proprietor, Cossynath Roy ; sudder jumma, Rupees-11-10-6.

No. 101.—Resumed Kismut Sootanurry Boyra, Pergunnah Huzrutpore ; recorded proprietor, Khemankory Dosseah, widow of Bhobanund Roy, Joynarain Roy, Gorachand Roy, Greeshchunder Roy, Assanund Deo Sircar, and Gungapersaud Chowdry ; sudder jumma, Rupees 10-11-10

No. 102.—Kismut Nealgram, resumed Lakhiraj, Pergunnah Mobaruck Oojeeal ; recorded proprietors, Gooroopersaud, Ramkannye Golucchunder and Surropchunder Roy ; sudder jumma, Rupees 11-13-1.

No. 119.—Talook Bholunath Kallikapersaud Chund, Khraija Pergunnah Pautpussar, Mehal Hozooree ; sudder jumma, Rupees 189-1-9¾.

No. 3697.—Talook Rajaram Surmah Dhoouty, Pergunnah Jelalpore, Zillah Jelalpore ; recorded proprietor, Gourypersaud Roy ; sudder jumma, Rupees 21-11-2½.

No. 3730.—Talook Ramsurn Mitter, Pergunnah Ditto, Zillah Ditto ; recorded proprietor, Ramsurn Mitter ; sudder jumma, Rupees 32-8-9½.

No. 3750.—Talook Prankisto Sein, Pergunnah Ditto, Zillah Ditto ; recorded proprietor, Obhoychurn Hore ; sudder jumma, Rupees 11-11-9.

No. 4798.—Talook Tilluck Mundle, Pergunnah Soojabad Cootoobpore, Zillah Nooroollahpore ; recorded proprietor, Tilluck Mundle ; sudder jumma, Rupees 12-12-9½.

No. 6621.—Howallah Joynarain Surmah, Chucklah Noorpore, Zillah Rajnugger ; sudder jumma, Rupees 45-13-10-½.

C. LIMOND,
Offg. Collector.

ZILLAH DACCA ;
Collectorate,
The 17th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Behar, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 10th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857 :—

Class II.—Arrears due from Estates not permanently-settled.

No. 1200.—Mehal Kutree Tuppeh Barundah, Pergunnah Belounja ; recorded proprietors, Billoo Ram Pattuck, Ruttun Byed, Bhowany Byed, Ramayssur Byed, and Daybee Byed ; sudder jumma, Rupees 36-12.

Class I.—Estates Permanently-settled.

No. 1218.—Mehal Kurkutta Tuppeh Paharee, Pergunnah Bilounja ; recorded proprietors, Shewmany Coour, Bodha Coour, themselves and guardians of Khaydun Sing and Abboss Roy ; sudder jumma. Rupees 53-11-9.

No. 1315.—Mehal Lodeepooroonda, Pergunnah Behar ; recorded proprietor, Nyun Paul ; sudder jumma, Rupees 35-3-2.

No. 1353.—Mehal Nunowur Jhukkour, &c., Pergunnah Behar ; recorded proprietors, Dumree Singh, Seeta Ram, Rohee Singh, and Kassee Ram ; sudder jumma, Rupees 1,090-14-11.

No. 1643.—Mehal Minjoomleah Sautopoor, Khordoorf, Burah Kooroowa, Pergunnah Behar ; recorded proprietors, Shah Uzhur Hosain, Mosst. Gyasun Oorf Munjun, Dhummoo, Jhummoo, Oorf Futtoo, Wajday, Luteefun, Ameenah Fautmayoonnissa and Sohunloll ; sudder jumma, Rupees 30-4-2.

No. 1668.—Mehal Maunpoor Tetrawa Lot 3rd, Pergunnah Behar ; recorded proprietors, Shah Neamut Ally Shaik Bunday Ally, Iltof Hosain, Mahdee Hossain, Ufzul Hosain, Tuffozool Hossein, Oorf Dahoo, Meer Emman Ally, Mosst. Ameeroonnessa, Eedun, Boodhun Zahoorun Rujjo Hashim Ally, Shah Qumuroodeen, and Meer Wussee Ally ; sudder jumma, Rupees 80-9-11.

Class IV.—Arrears due on Account of Estates other than that to be sold.

No. 2116.—Right and Interest of Mosst. Mukdooman, heiress of Mudeehun, deceased, the Surety from Mouzah Simra Chuck Simra Pergunnah Bhellawur ; recorded proprietors, Mosst. Muckdoomun, Numooddeen, Nuseebun Mosst. Ameerun and Wiheedun ; sudder jumma, Rupees 540-15 6, including Malikanna.

Class I.—Permanently-settled Estates.

No. 3063.—Mehal Chuck Aboojulal Uz Rugqeh Kusbey Surmoy, Pergunnah Sumoy ; recorded proprietors, Mohommud Ismyle Qumurooddeen, Allecmooddeen, Mohommud Hussun Mahommudee, Mujhur Ally Mosst. Oosfun, Mosst. Wuzeerun, Mosst. Ameerun, Mosst. Zuhoorun, Ehsanooddeen Golam Hosain, Rahaut Hossain, Kamulooddeen, Bahadoor Ully and Wuseemooddeen ; sudder jumma, Rupees 44-12.

No. 4855.—Mehal Mahsullaoorf Burhoreea, Pergunnah Muhair; recorded proprietors, Chowdhurree Kaleechurn, Narain Sing, Goureepersaud, Ramnarain, Musseerooddeen, Ahmud and Shetaub Roy; sudder jumma, Rupees 16-8-2.

PUNDIT RAMNARAIN,
Deputy Collector in Charge.

BEHAR COLLECTORSHIP;
Gya,
The 17th January 1857.

NOTICE is hereby given, that under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah 24-Pergunnahs, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday the 9th February 1857, or 28th Maug 1263 B. S., for Arrears of Revenue due on the 12th January 1857.

Class II.—Temporary-settled Estates.

No. 1320.—Hozooree Mehal, Pergunnah Medunmullo, Mouza Arapoonjee; recorded proprietor, Moheschunder Kur Chowdry, &c.; sudder jumma, Rupees 37-8-0.

No. 1366.—Hozooree Mehal Mouzah Radhakantpore, Lot No. 27; recorded proprietor, Madhubchunder Auduck; sudder jumma, Rupees 174-4-10.

KYLAS C. DUTT,
Deputy Collector in Charge.

COLLECTOR'S KUTCHERRY,
24-Pergunnahs,
The 22nd January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Backergunge will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday, the 9th February 1857, or 28th Maugh 1263 B. S., for Arrears of Revenue and other demands, which by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th January 1857:—

Class I.—Permanently-settled Estate.

Former No. 2580—Present No. 2543.—Kharyah Tuppay Lackerdeeah Ramdoss Pall Talook; recorded proprietors, hissa 2 annas 13 gundas 1 cowree 1 krant Kistomohun Toboeldar, hissa 1 anna 6 gundas 2 cowrees 2 krants Gungadhur Shaha, hissa 17 gundas 3 cowrees 9 teel Permesphurry, hissa 11 annas 2 gundas 2 krants 18 teel Ramdoss Paul; sudder jumma, Rupees 19-3-2½.

Class II. Temporarily-settled Estate.

No. 4427.—Pergunnah Sullimabad Chuck Abdool Russoolpoor Howallah Doorgachurn Bundopuddeea; recorded proprietor, Doorgachurn Bundopuddeea; sudder jumma, Rupees 217-12-3½ in 1245 B. S., Rupees 271-7-8½ in 1246 B. S., Rupees 347 9-5½ in 1247 B. S., Rupees 456-9-2 in 1248 B. S., Rupees 503-14-7½ in 1249 B. S., Rupees 537-14-9 in 1250 B. S., Rupees 545-2-2 in 1251 B. S., Rupees 552-9-7 in 1252 B. S., Rupees 560-1 in 1253 B. S., and from 1254 B. S., Rupees 565-3-2 annually.

C. MACKILLOP,
Offg. Collector.

ZILLAH BACKERGUNGE;
Collector's Office,
The 16th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Moorshedabad, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Saturday, the 7th February 1857, or 26th Maugh 1263 B. S., for Arrears of Revenue:—

Class I. Permanently-settled Estate.

No. 433.—Hooda Syedpore, Pergunnah Koerpertab; recorded proprietor, Khatronath Burral; sudder jumma, Rupees 1,154-6-11

Class II. Temporarily-settled Estates.

No. 584.—Diar Sibnuggur, Pergunnah Luskurpore, Bundbustydars, Essanchundar Roy, Guardian of Koer Juggendurnarain Roy, minor, Prosonocoomar Mozoomdar, Guardian of Koer Purresnarain Roy, minor, Ranee Kistomoty Debya, widow of Goluckindurnarain Roy and Ranee Surnomoye Dabya, widow of Bhoopendurnarain Roy; sudder jumma, Rupees 593-5-3.

Class I. Permanently-settled Estates.

No. 1649.—Kismut Luckhunbatty, Pergunnah Cootoobpore, Futehpore; recorded proprietor, Mookund Dass; sudder jumma, Rupees 10-10-8.

No. 2055.—Kismut Seizgram, Pergunnah Futtehsing, Aimadar Meer, Sayed Ally; sudder jumma, Rupees 10-2-11.

No. 2084.—Kismut Bhurruthpore, Pergunnah Futtehsing, Aimadar Syed Shurruf, and Gungapershad Sing; sudder jumma, Rupees 15-6-5.

H. C. HALKETT,
Collector.

MOORSHEDABAD;
Collector's Office,
The 20th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Moorshedabad, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Saturday, the 7th February 1857, or 26th Maugh 1262 B. S., for Arrears of Revenue:—

Class II. Temporarily-settled Estate.

No. 584.—Diar Sibnuggur, Pergunnah Luskurpore, Bundbustydars, Ranee Soorjomoney Debya, Goluckindurnarain, Geishnarain Roy, Essurnarain, Ranee Bhobunmoye Debya, Essannarain Bhoyrubindurnarain, Mohesnarain, and Hurrendurnarain Roy, and Ranee Surnomoye Debya; sudder jumma, Rupees 593-5-3.

H. C. HALKETT,
Collector.

MOORSHEDABAD;
Collector's Office,
The 20th January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Jessore will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 10th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class I.—Permanently-settled-Estates.

No. 873.—Kismut Chandpore, Pergunnah Nuldee ; recorded proprietor, Kundurpo Sein, under the possession of Doorgapersaud Sein, Prannath Bagchee, and Deep Chund Bhadooree ; sudder jumma, rupees 45-13-4.

No. 1046.—Kismut Bangat, Pergunnah Havelly ; recorded proprietors, Lukhikanth Sein and Sumbboo Chunder Roy, under the possession of Kistoram Sein ; sudder jumma, rupees 16-12-10.

No. 1079.—Kismut Poredea, Pergunnah Havelly ; recorded proprietor, Roodro Ram Dutt ; sudder jumma, rupees 10-0-11.

No. 1170.—Kismut Luskerdea, Pergunnah Havelly ; recorded proprietors, Romakant and Petumber Mitters ; sudder jumma, rupees 28-5-4.

No. 1378.—Kismut Talma, Pergunnah Havelly ; recorded proprietor, Syud Sudderuddee ; putneedars, Syud Chand and Syud Noaee ; sudder jumma, rupees 10-4-6.

No. 1961.—Kismut Pauchoee, Pergunnah Shantore ; recorded proprietor, Ramkisto Punchanun, under the possession of Jogodish Chuckerbutty ; sudder jumma, rupees 10-9-4.

No. 1997.—Kismut Pauchoee, Pergunnah Shantore ; recorded proprietor, Rammonee Dabbea ; sudder jumma, rupees 10-3-2.

No. 3386.—Kismut Baleaghatta, Pergunnah Tarragoonia (resumed lakhiraj) ; recorded proprietors, Nimanund, Bhoyrub Chunder, and Gooroo Churn Roys ; sudder jumma, rupees 48-2-0.

No. 3459.—Kismut Keshubpore, Pergunnah Jangeerabad (resumed lakhiraj) ; recorded proprietors, Teluck Chunder, Radhamohun, Kristo Dhun, and Manghun Chunder Moitres ; sudder jumma, rupees 38-11-3.

No. 4216.—Kismut Secunderpore, Pergunnah Goherpore (resumed lakhiraj) ; recorded proprietor, Dhorony Dhur Bose ; sudder jumma, rupees 19-2-0.

No. 4345.—Kismut Jonardunpore, Pergunnah Syudpore (resumed lakhiraj) ; recorded proprietors, Juggutram, Debeepersaud and Ramnarain Bhuttachargees, and Ramnath Bachusputtee, and others ; sudder jumma, rupees 34 15-7.

ALI AHMUD,
Uncovenanted Deputy Collector, in charge of the Treasury.

JESSORE COLLECTOR'S OFFICE,
The 22nd January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Midnapoor, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 12th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class I.—Permanently-settled Estates

No. 109.—Mehal Amuan, Pergunnah Kasseejorah ; recorded proprietor, Ramhurry Mojoomdar ; sudder jumma, Rupees 99-8-10¼.

MIDNAPORE COLLECTORATE,
CAMP BELKEE,
The 19th January 1857.

W. H. BRODHURST,
Collector.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Chittagong, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Tuesday, the 17th February 1857, or 7th Falgoon 1263 B. S., for Arrears of Revenue :—

Class VI.—To be sold for the realization of Butwarrah Expenses.

No. 14.—Turruff Anundeeram. The shares of Rammoney, Traheeram, Radharam, Ramgutty, Mohobut Ally, Abool Foeuz, Taz Mahomed, Jebun, Kumer Ally, Jamal, Moozafur, Yasin, Monoo, Mozuroollah, and Obhoychurn Chowdry, who have not paid the Butwarrah expenses of their respective shares, will be sold. The entire sudder jumma of the Mehal is rupees 123-4-6.

Class I.—Permanently-settled Estates.

No. 44.—Turruff Anundee Manoollah ; proprietor, Ramchunder Dey ; sudder jumma, rupees 1,160-0-3.

No. 48.—Turruff Jyenoollah Joomrood ; proprietors, Abool Foeuz, Sreemuttee Poran Bebee, and Azeezurnissah ; sudder jumma, rupees 214-2-6.

No. 242.—Turruff Gobindokanto, exclusive of the shares of Kasheechundro, Hurgobindo Gooho, Radhakishno Gooho, Sreemuttee Shoyesonee, Esshuree, and Shosteechurn Gooho, whose Estates are under Butwarrah, and paid their shares ; the remaining shares will be sold. The entire sudder jumma of the Mehal is rupees 151-0 9

No. 512.—Turruff Romonchand Deang ; proprietors, Chundeechurn, Tarneechurn, Bysnubchurn, Kebulram, Neelmoney, Eshanchunder, and Kishnochunder Roy ; sudder jumma, rupees 340-11-0.

No. 541.—Turruff Rajdoollub ; proprietors, Ramshurn, Kishnochurn, and Ramruttun Chuckerbutty ; sudder jumma, rupees 346-1-6.

Class VI.—To be sold for the realization of Butwarrah Expenses.

No. 563.—Turruff Shacheeram Canongoe, the shares of Ashruff Jemadar, Shamed Ally, Shodaram Canongoe, Bux Ally, and Jan Ally, who have not paid the Butwarrah expenses of their respective shares, will be sold. The entire sudder jumma of the Mehal is rupees 859-8-8.

Class I.—Permanently-settled Estates.

No. 615.—Turruff Ally Shayem ; proprietors, Alleemurdun, Shamut Allee, Jinnut Ally, and Aqbur Ally Khan ; sudder jumma, rupees 93-5-9.

No. 739.—Turruff Akeel Mahomed ; proprietor, Mahomed Dyme Nazir ; sudder jumma, rupees 60-10-3.

No. 1750.—Talook Janoollah Afzul ; proprietor, Ibrahim ; sudder jumma, rupees 56-0-3.

No. 3116.—Turruff Mouza Seekul Baha ; proprietors, Oomrao Sing, Indro Sing, and Gujraj Sing ; sudder jumma, rupees 300-0-0.

Lakhiraj-resumed Mehal.

No. 4512.—Talook Eshanchunder Canongoe, Oomachurn Canongoe, and Sreemuttee Bishesuree ; proprietor, Sreemuttee Hallununnissa ; sudder jumma, rupees 60-14-6.

CHITTAGONG COLLECTOR'S OFFICE,
The 19th January 1857.

S. F. DAVIS,
Officiating Collector.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Patna, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th February 1857, or 5th Phagoon 1264 F. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 38.—Mehal Bansbigha, Pergunnah Tilhara ; recorded proprietor, Juyperkas Sing ; sudder jumma, Rupees 224-0-0.

No. 55.—Mehal Chuck Chundasee, Pergunnah Biswunk ; recorded proprietors, Musst. Suddoe, Kunhoololl, and Nijabut Hosen Khan ; sudder jumma, rupees 59-2-11.

No. 103.—Mehal Futtehpore Kullan, Pergunnah Azeemabad ; recorded proprietor, Baboo Byjnath Suhoy ; sudder jumma, rupees 299 13-6.

Class IV.—Estates to be sold for Arrears due on account of other Estates.

No. 181.—Rights and Interests of Petumber Sing in Mouzah Chynpore, Tuppeh Muckra, Pergunnah Gyaspore ; recorded proprietors, Rampershad Sing, Ishree Dutt, Baydah Sing, Peetumber Sing, and Musst. Mungerdayee Cour ; sudder jumma, rupees 342-6-5.

No. 191.—Rights and Interests of Peetumber Sing uz Ruqbeg Ullawan, Pergunnah Pelitch ; recorded proprietor, Peetumber Sing ; sudder jumma, rupees 55-3-4.

No. 569.—Rights and Interests of Peetumber Sing in Mouzah Kalleeanpore Bhugwan, Pergunnah Gyaspore ; recorded proprietors, Peetumber Sing, Lakhun Sing, and Mahadeo Sing ; sudder jumma, Rupees 68-0-0.

C. LINDSAY,
Assistant Collector in Charge.

PATNA COLLECTORATE,
The 20th January 1857.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Bhaugulpore, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Thursday the 12th February 1857, or 4th Fagoon 1264 F. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 6.—Mehal Talooka Buder Allumpoor, Pergunnah Bhaugulpore ; recorded proprietors, Girdharee Lall, Mudun Thakoor, Aurnarain Chowdry, Brij Mohun Thakoor, Saudut Khan, Zukeeoodin Ahmud, Riza Allee Khan, Torabool Ekdam Khan, Neotyanund Jha, Beebee Tukeekah, Sheikh Rujjub Ally, Buratee Sah, Ram-Kurn Coowar, Chundranee Koowar, Chohara Sahoon, Sona Sahoon, Chowdry Fukeer Bux, Jogee Roy, Hunsraj Roy, Radhey Roy, Mukhun Lall, Gujrae Sing, Taleyber Sing, Pershaud Sing, Kukoo Roy, Bydnath Dutt Jhah ; sudder jumma rupees 1,344-8-9½. This Mehal consists of 30 Mouzahs, out of which 1 Mouzah, Parbuttee, belonging to the Zemindary of Beebee Tukeekah, the wilful defaulter, will be sold exclusive of the shares of other proprietors who have paid up their portion of the balance due agreeably to Section 33 Regulation XIX. of 1814.

No. 7—Ghat Bhaujpoor Tuppeh Putsindah, Pergunnah Bhaugulpore ; recorded proprietor, Mahatab Lall ; sudder jumma, rupees 49-12-11.

Class II.—Temporarily-settled Estates.

No. 44.—Ghat Bunseepoor, Tuppeh Putsindah, Pergunnah Bhaugulpoor ; recorded proprietor, Dhunnah Coomree ; sudder jumma, rupees 52-11-6½.

Class I.—Permanently-settled Estates.

No. 65.—Mouzah Jellallpoor, *alias* Jypoora Pergunnah, Kaukjoul ; recorded proprietor, Dhunneeram Doss ; sudder jumma, rupees 13-4-8.

No. 108.—Mouzah Dellawarpoor, Pergunnah Kaukjoul ; recorded proprietor, Setara Khanum ; guardian of Meer Joher Ally, minor ; sudder jumma, rupees 10-13-1.

No. 489.—Mehal Talookah Mohunpoor, Chowmook, Pergunnah Nersingpoor Koorha ; recorded proprietors, Bholanath Jha, Gokoolnath Jha, Mosst. Reazoonnessa, Nundlall Sing, Huruckmun Sing, Nursingnarain Sing, *alias* Bacha Sing, Takoor Mun Sing, Jugut Mun Sing, Roopnarain Sing, Oditnarain Sing, Bholanath Misser, Nundkoomar Misser, Doolar Misser, Baboonath Misser, Gopaul Sing, Motee Lall Misser, Nurinder Sing, Motee Lall Misser, Sham Sing, Bundoo Jha, Ramdyal Sing, Shewun Chowdry, Muthooranath Jha, Budreenath Jha, Balanund Sing, Nund Lall Sing, Hurukmun Sing, Nersingnarain Sing, Nundkissore Sing, Thakoor Mun Sing, Kotoaroo Ram Ghugut, and Mosst. Debee Buttee Koomree ; sudder jumma, rupees 3,223-15-7. This Mehal consists of 6 Mouzahs, out of which 4 annas in Mh. Mohunpoor share of Roopnarain Sing, 8 annas in Mh. Oodah share of Kotoarooram Bhugut, Bholanath Misser, Nundkoomar Misser, Doolar Misser, Baboonath Misser, and Motee Lall Misser ; and 8 annas in Mh. Bhowanypoor Jheelary share of Motee Lall Misser, Nurinder Sing, and Sham Sing, wilful defaulters, will be sold exclusive of the shares of other proprietors who have paid up their portion of the balance due agreeably to Section 33 Regulation XIX. of 1814.

No. 773.—Invalid Jageer of Surdha Sing, Soobadar, in Thannah Bhaugulpoor, Pergunnah Bhaugulpoor ; recorded proprietor, Byjnath Chuckerbutty ; sudder jumma, rupees 53-5-4.

No. 786.—Mouzah Bhowaneepoor, Pergunnah Bhaugulpore ; recorded proprietor, Teeluk Burm ; sudder jumma, rupees 17-6-10.

No. 844.—Invalid Jageer of Goordyal Sing, Jemadar, in Thannah Bhaugulpoor ; recorded proprietor, Dhunnah Koomree ; sudder jumma, rupees 15-13-10½.

Class II.—Temporarily-settled Estates.

No. 883.—Mouzah Anundpoor, Pergunnah Nersingpoor, Coorha ; recorded proprietor, Rookmin Koomree ; sudder jumma, rupees 18-2-4.

Class I.—Permanently-settled Estates.

No. 1600.—Invalid Jageer of Kaem Khan Naik in Thannah Hummutpoor ; recorded proprietors, Mollah Kamell and Syed Wariss Allee ; sudder jumma, rupees 10-8-6.

No. 2259.—Invalid Jageer of Daood Soobadar in Thannah Oodhoa Nullah ; recorded proprietor, Sheikh Oodiet Oolla ; sudder jumma, rupees 21-12-8¾.

No. 2261.—Invalid Jageer of Ramzane Soobadar in Thannah Oodhoa Nullah ; recorded proprietor, Oodiet Oolla ; sudder jumma, rupees 12-12-6.

No. 2660.—Invalid Jageer of Huree Sing Soobadar in Thannah Pealapoor ; recorded proprietor, Sreekissno Abustee ; sudder jumma, rupees 14-14-11.

COLLECTOR'S OFFICE BHAUGULPORE,
The 20th January 1857.

STEPHEN LUSHINGTON,
Officiating Collector.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Rajshahye, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday the 16th February 1857, or 6th Falgoon 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 506.—Kismut Kusbabagha, Pergunnah Luskerpoor ; recorded proprietor, Gooroopersaud Sircar ; sudder jumma, rupees 16-15-8.

No. 909.—Kismut Sunjoypoor, Pergunnah Burburyah ; recorded proprietor, Nobokissore Sircar ; sudder jumma, rupees 26-15-3.

No. 1566.—Chur Bydopoor, &c., Pergunnah Jeeasindoo; recorded proprietor, Tarasoondery Chowdrainee, mother of the minor Ramlall Chowdree, Juggut Chunder Sircar, Roopmoonjoree Chowdrainee, mother and guardian of the minor Nobocoomar Sircar ; and Ram Chunder Sircar ; sudder jumma, rupees 16-15-10.

ZILLAH RAJSHAHYE ; COLLECTOR'S OFFICE.
The 21st January 1857.

W. T. TAYLOR.
Collector.

NOTICE is hereby given, under Section VI Act. I. of 1845, that the under-mentioned Estates, in Zillah Monghyr, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 9th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 13th January 1857 :—

Class I.—Permanently-settled Estates.

No. 252.—Mouzah Mohanundpore, Pergunnah Maldah ; recorded proprietor, Mozuffer Alli Khan ; sudder jumma, rupees 119-7-6.

No. 427.—Mouzah Nubbeepore Lutchoo Jahangeerah, Pergunnah Monghyr ; recorded proprietors, Bhyro, Futtoo, Tota, and Pirtum ; sudder jumma, rupees 200 9-6.

Class IV. Estates to be sold for Arrears due on account of other Estates.

No. 1467.—The right and interest of Goordyal Sing, in Invalid Jaghir land of Lutchmeeram Naick, in Thannah Bindrabun, Pergunnah Monghyr ; sudder jumma, rupees 11-2-2.

Class I.—Permanently-settled Estates.

No. 1781.—Invalid Jaghir land of Baboo Khan Subadar, in Thannah Jafrah, Pergunnah Furkiah ; recorded proprietor, Jumal Oodin ; sudder jumma, rupees 12-14-1½.

No. 2484.—Invalid Jaghir land of Mohun Sing Jemadar, in Thannah Jafrah, Pergunnah Furkiah ; recorded proprietors, Mosst. Sookho and Munnooruth Lal ; sudder jumma, rupees 16-10-8.

No. 2486.—Invalid Jaghir land of Kurrimoollah Jemadar, in Thannah Jafrah, Pergunnah Furkiah ; recorded proprietors, Mosst. Ruseedah ; sudder jumma, rupees 16-13-8.

No. 2856.—Invalid Jaghir land of Mahomed Hyat Subadar, in Thannah Suhursah, Pergunnah Ooturkhund ; recorded proprietors, Mosst Bhutto, Mosst. Hoosainee, Luttifun, Mosst. Deelab and Amno ; sudder jumma rupees, 34-12-6.

No. 2864.—Invalid Jaghir land of Beekah Havildar, in thanna Suhursah, Pergunnah Ooturkhund ; recorded proprietors, Mosst. Bussuntah Asmoo, Bundho, Alpho, Meerun, and Ameeroollah ; sudder jumma, rupees 12-5-9½.

No. 2865.—Invalid Jaghir land of Doomdee Havildar, in Thannah Suhursah, Pergunnah Ooturkhund ; recorded proprietors, Mosst. Jeeun Ameerun, Alleebux, and Fyzee Alli ; sudder jumma, rupees 12-2.

No. 2867.—Invalid Jahir land of Fyzoollah Havildar in Thannah Suhursah Pergunnah Ooturkhund ; recorded proprietors, Mosst. Nemah, Shaick Domun, Hyatbux, and Fukeerbux ; sudder jumma, rupees 13-9-10.

No. 3312.—Urazie Thattah Bussuntpore, Pergunnah Furkiah ; recorded proprietor, Narrain Doss ; sudder jumma, rupees 68-3-3.

No. 3487.—Invalid Jaghir land of Debee Sing Subadar, in Mouzah Purriah, Thannah Alleenugur, Pergunnah Soorooj Gurha ; recorded proprietors, Benee Sing, Kunnyah Sing, Villait Hossein and Jharkhundee Roy ; sudder jumma, rupees 15-6-2¾.

MONGHYR COLLECTOR'S OFFICE,
The 19th January 1857.

J. PIRON,
Uncovenanted Deputy Collector, in charge.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Purneah will be put up to public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th day of February 1857, for arrears of Revenue :—

BENGAL PORTION MEHALS.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 71.—Millick Bazafty Annund Beelas, Pergunnah Havellee ; recorded proprietor, Pearee Loll Doss, auction purchaser ; sudder jumma, rupees 16-12-2.

No. 209.—Mouzah Banurjhoolah, Pergunnah Powakhally ; recorded proprietor, Khurgnarain Doss ; sudder jumma, rupees 11-1-7.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 297.—Mouzah Sooranund Bhojepoor, Pergunnah Futtehpoor Singhea ; recorded proprietors, Manna Jan and others ; sudder jumma, rupees 314-14-5.

No. 300.—Mouzah Duhgummah, Pergunnah Futtehpoor Singhea ; recorded proprietors, Musst. Mehar Jan and others ; sudder jumma, rupees 825-0-4.

Class III.—Mehals temporarily-settled or let in Farm.

No. 364.—Mouzah Bunbhang, Pergunnah Havellee ; recorded proprietor, Bairam Singh ; sudder jumma, rupees 15-3-1.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 390.—Mouzah Jeeahpokhur, Pergunnah Powakhally ; recorded proprietors, Golam Ally and others ; sudder jumma, rupees 22-5-0.

No. 412.—Mouzah Nussooroollah Nuzzur Gosainpoor, Pergunnah Havellee ; recorded proprietor, Gobindchund, auction purchaser ; sudder jumma, rupees 37-9-7.

No. 512.—Mouzah Dhengree, Pergunnah Sooltanpoor ; recorded proprietor, Peary Loll Doss, auction purchaser ; sudder jumma, rupees 32-10-6.

Class III.—Mehals temporarily-settled or let in Farm.

No. 538.—Mouzah Dhengree, Pergunnah Sultanpoor ; recorded proprietor, Musst. Soobhudra Dai ; sudder jumma, rupees 143-11-9.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 558.—Mouzah Burra Musseeah, Pergunnah Futtehpoor Singhea ; recorded proprietor, Geerburnarain, auction purchaser ; sudder jumma, rupees 86-14-3.

No. 602.—Mouzah Hunnoomangunge, Pergunnah Havellee ; recorded proprietor, Ranee Lujabutty ; sudder jumma, rupees 40-15-11.

No. 636.—Mouzah Dewree Dawkpokhur, Pergunnah Sreepoor ; recorded proprietor, Musst. Fuzoolnissa Begum ; sudder jumma, rupees 38-11 8.

No. 683.—Mouzahs Dewree Dawkpokhur and Banoogurh, Pergunnah Sreepoor ; recorded proprietors, Gobind Buksh Doss and others ; sudder jumma, rupees 70-5-3.

No. 812.—Mouzah Dhokurpatt, Pergunnah Sreepoor ; recorded proprietors, Musst. Bebee Munna, Bebee Bhoolah, Mahomed Ally, and others ; sudder jumma, rupees 84-2-7.

No. 816.—Mouzah Dhoomghurh, Pergunnah Sreepoor ; recorded proprietor, Musst. Fuzooloolnissa Begum ; sudder jumma, rupees 30-3-0.

No. 838.—Mouzah Dhungurrah, Pergunnah Futtehpoor Singhea ; recorded proprietor, Musst. Beenudbutty ; sudder jumma, rupees 40-13-1.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 869.—Mouzah Koorsaha, Pergunnah Futtehpoor Singhea ; recorded proprietor, Ramanoogra Loll, auction purchaser ; sudder jumma, rupees 144-1-7.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 873.—Mouzah Haureea, Talooka Musseedgurh, Pergunnah Soorjapoor ; recorded proprietors, Enaeth Hossen and others ; sudder jumma, rupees 43-8-11.

No. 927.—Mouzah Dewgown, Pergunnah Soorjapoor ; recorded proprietors, Saik Meeah Janoollah and Buckaoollah ; sudder jumma, rupees 41-12-7.

No. 966.—Mouzah Mahomedeeah Poopurreeah, Pergunnah Havellee ; recorded proprietor, Fuzooloolnissa Begum ; sudder jumma, rupees 16-0-1.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 1066.—Mouzah Patkoe, &c., Pergunnah Soorjapoor, &c. ; recorded proprietor, Ruhmat Ally, Khan, auction purchaser ; sudder jumma, rupees 175-1-11.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 1071.—Mouzah Gungnudeeah, &c., Pergunnah Baudour ; recorded proprietors, Saik Mahomed Ally and others ; sudder jumma, rupees 24-10-4.

No. 1080.—Mouzah Meeahpoor, Talooka Bungummah, Pergunnah Sreepoor ; recorded proprietors-Ranee Birjbutty and others ; sudder jumma, rupees 40-11-10.

FUSLEE PORTION MEHALS.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 97.—Mouzah Khoontaha, Pergunnah Dhupper ; recorded proprietors, Musst. Dhunbutty and others ; sudder jumma, rupees 187-12-8.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No 99.—Mouzah Koorsaha, Zillah Bhowaneepoor, Pergunnah Dhurmpoor ; recorded proprietor, Futtehchund Sahoo ; sudder jumma, rupees 60-11-0.

No. 133.—Mouzah Bellagunge Ruqbah Burdaha, Zillah Nathpoor, Pergunnah Harrawath ; recorded proprietor, Mr. W. M. Grey ; sudder jumma, rupees 18-13-7.

No. 148.—Mouzah Peermokam, Zillah Gondwarrah, Pergunnah Dhurmpoor ; recorded proprietor, Mr. C. Paterson, auction purchaser ; sudder jumma, rupees 11-3-4.

No. 174.—Mouzah Hoolas, Zillah Nathpoor, Pergunnah Harrawath ; recorded proprietors, Chatoora nund Jha and others ; sudder jumma, rupees 15-9-3.

Class III.—Mehals temporarily-settled or let in Farm.

No. 227.—Mouzah Shapoor Dhurmee, Zillah Bhowaneepoor, Pergunnah Dhurmpoor; recorded proprietors, Jeechoo Rai and others; sudder jumma, rupees 15-3-6.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 249.—Mouzah Moorsendah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Leelumbur Jha and others; sudder jumma, rupees 27-8-0.

No. 333.—Mouzah Madhoopoor Geerwah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Saik Bheenuck Ally and others; sudder jumma, rupees 42-11-3.

No. 335.—Mouzah Chatur, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietor, Saik Khoda Bux; sudder jumma, rupees 11-3-3.

No. 339.—Mouzah Chandpoor Nowlakhee, Zillah Beermugger, Pergunnah Dhurmpoor; recorded proprietor, Kissenkanth Rai; sudder jumma, rupees 22-9-0.

No. 342.—Mouzah Dhunnetta Jankeeram, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Saik Bheenuck Ally and others; sudder jumma, rupees 37-14-5.

No. 360.—Mouzah Madhoopoor Geeryawa, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Durrab Ally and others; sudder jumma, rupees 10-9-5.

No. 398.—Mouzahs Bohoraram Rai and Kissenpoor Beharee, &c., Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Neelkanth Bhuttacharge and others; sudder jumma, rupees 10-11-8.

No. 504.—Mouzah Kulla Bullooah, Zillah Gooraree, Pergunnah Dhurmpoor; recorded proprietor, Boonyad Singh, auction purchaser; sudder jumma, rupees 25-4-3.

No. 519.—Mouzah Moorsendah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietor, Ahmed Ally; sudder jumma, rupees 32-10-0.

No. 521.—Mouzah Gobindpoor Kullan, Zillah Nathpoor, Pergunnah Harrawath; recorded proprietors, Chutooranund Jha and others; sudder jumma, rupees 15-12-8.

No. 548.—Mouzah Sudaseebpoor Putty Putchmah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Hurry Chowdry and others; sudder jumma, rupees 15-12-10.

H. R. ALEXANDER,
Offg. Collector.

PURNEAH COLLECTORATE,
The 22nd January 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date*

CECIL BEADON,
Secy. to the Govt of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work*

CECIL BEADON,
Secy to the Govt of India

WEDNESDAY, FEBRUARY 4, 1857.

Legislative Council.

The 31st January 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 17th January 1857, and is hereby promulgated for general information —

ACT No I OF 1857.

An Act to prevent the over crowding of vessels carrying Native Passengers in the Bay of Bengal.

Preamble

WHEREAS it is necessary to prevent the overcrowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St George, and between such ports and Ceylon It is enacted as follows —

Number of native passengers to be carried in unlicensed vessels

I No vessel shall carry native passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license

Number of native passengers to be carried in licensed vessels generally

II No vessel shall be licensed to carry passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform, except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and-a-half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger

And in licensed vessels sailing in ballast from certain parts of the Coast to Ceylon

Penalty on Master of unlicensed vessel

III The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section 1, shall be liable to a fine not exceeding two hundred Rupees.

Penalty on Master of licensed vessel

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Government to appoint ports for shipment of passengers, where the number of passengers to be carried is greater than one to every four tons of burden.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by the Government by an Order in Council, published in the *Fort St. George Gazette*, and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above-mentioned shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Grant of licenses to vessels.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping native passengers, or such other persons as the Government of Fort St. George may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II, till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew: and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

Certain licensed passenger vessels to carry provisions according to appointed scale.

VII. The Master or Tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St George Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

Penalty for omitting to supply passengers with prescribed allowance of food and water

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Supply of provisions on board passenger ships plying to and from Ceylon.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

List of Passengers to be signed by Master.

X. The Master or Tindal of any vessel licensed to carry passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Government of Fort St George may from time to time appoint for the purpose, a list according to the form annexed to this Act, of all passengers to be conveyed in such vessel; and such officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the port to which the vessel is bound; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling officer as before. The Officer in charge of the Customs may withhold the port clearance till this rule is complied with.

Additional Passengers.

Penalty for bringing native passengers into any port in the Madras Presidency in excess of authorized proportion

XI. If any vessel, bringing native passengers into any port or place whatsoever within the said territories from any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, shall have on board a greater number of passengers than in the proportion prescribed in this Act for vessels licensed to carry passengers from the said territories, the Master or Tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion.

Penalty for impeding entry or inspection.

XII. The principal Officer in charge of the Customs at the place of embarkation or of importation, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Levy of fines.

XIII. The fines authorized by this Act may be imposed by any Magistrate, Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, or by any Justice of the Peace having jurisdiction at any place in the possession and under the Government of the East India Company.

Duration of Act

XIV. This Act shall continue in force for three years.

SCHEDULE.

FORM.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) ———,
Master.

(Countersigned) ———,
Principal Officer of Customs.

Note.—In the case of vessels carrying passengers to Ceylon, it will be sufficient to insert the number, and not the names, of passengers in Column 5.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 31st January 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 24th January 1857, and is hereby promulgated for general information:—

ACT No. II OF 1857.

An Act to establish and incorporate an University at Calcutta.

WHEREAS, for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Fort William in Bengal and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Calcutta for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science, and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments, and marks of honor proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated: It is enacted as follows: (that is to say)— Preamble.

I. The following persons, namely, Incorporation.

The Right Honorable CHARLES JOHN VISCOUNT CANNING,
Governor General of India.

The Honorable JOHN RUSSELL COLVIN,
Lieutenant-Governor of the North-Western Provinces.

The Honorable FREDERICK JAMES HALLIDAY,
Lieutenant-Governor of Bengal.

The Honorable Sir JAMES WILLIAM COLVILE,
Knight,
Chief Justice of the Supreme Court of Judicature in Bengal.

The Right Reverend DANIEL WILSON,
Doctor of Divinity,
Bishop of Calcutta.

The Honorable GEORGE ANSON, *General*,
Commander-in-Chief of the Forces in India.

The Honorable JOSEPH ALEXANDER DORIN,
Member of the Supreme Council of India.

The Honorable JOHN LOW, Major General,
Companion of the Most Honorable Order of the Bath, Member of the Supreme Council of India.

The Honorable JOHN PETER GRANT,
Member of the Supreme Council of India.

The Honorable BARNES PEACOCK,
Member of the Supreme Council of India.

CHARLES ALLEN, Esquire,
Member of the Legislative Council of India.

HENRY RICKETTS, Esquire,
Provisional Member of the Supreme Council of India.

CHARLES BINNY TREVOR, Esquire,
Judge of the Sudder Court in Bengal.
Prince GHOLAM MUHAMMUD.

WILLIAM RITCHIE, Esquire,
Advocate General in Bengal.

CECIL BEADON, Esquire,
Secretary to the Government of India.

Colonel HENRY GOODWYN, of the Bengal Engineers,
Chief Engineer in Bengal.

WILLIAM GORDON YOUNG, Esquire,
Director of Public Instruction in Bengal.

Lieutenant-Colonel WILLIAM ERSKINE BAKER,
of the Bengal Engineers,
Secretary to the Government of India.

Lieutenant-Colonel ANDREW SCOTT WAUGH,
of the Bengal Engineers,
Surveyor General of India.

KENNETH MACKINNON, Esquire,
Doctor in Medicine.

HODGSON PRATT, Esquire,
Inspector of Schools in Bengal.

HENRY WALKER, Esquire,
Professor of Anatomy and Physiology in the Medical College of Bengal.

THOMAS THOMSON, Esquire,
Doctor in Medicine, Superintendent of the Botanical Garden at Calcutta.

FREDERICK JOHN MOUAT, Esquire,
Doctor in Medicine, and Fellow of the Royal College of Surgeons.

Lieutenant WILLIAM NASSAU LEES,
of the Bengal Infantry.

The Reverend WILLIAM KAY,
Doctor of Divinity,
Principal of Bishop's College.

The Reverend ALEXANDER DUFF,
Doctor of Divinity.

THOMAS OLDHAM, Esquire,
Superintendent of the Geological Survey of India.

HENRY WOODROW, Esquire,
Inspector of Schools in Bengal.

LEONIDAS CLINT, Esquire,
Principal of the Presidency College.

PROSONNO COOMAR TAGORE,
Clerk Assistant of the Legislative Council of India.

RAMAPERSHAD ROY,
Government Pleader in the Sudder Court of Bengal.

The Reverend JAMES OGILVIE,
Master of Arts.

The Reverend JOSEPH MULLENS,
Bachelor of Arts.

Moulavy MUHAMMUD WUJEEH,
Principal of the Calcutta Mudrasah.

ISHWAR CHUNDRA BIDYA SAGUR,
Principal of the Sanskrit College of Calcutta.

RAMGOPAUL GHOSE,
Formerly Member of the Council of Education.

ALEXANDER GRANT, Esquire,
Apothecary to the East India Company.

HENRY STEWART REID, Esquire,
Director of Public Instruction in the North-Western Provinces,

being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Calcutta; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

Power to hold and dispose of property.

II. The said Body Corporate shall be able and capable in law to take, purchase, and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

Constitution of Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor General of India in Council hath already appointed, or shall from time to time, by any order published in the *Calcutta Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

Senate.

Chancellor.

IV. The Governor General of India for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honorable Charles John Viscount Canning.

Vice Chancellor.

V. The first Vice-Chancellor of the said University shall be Sir James William Colvile, Knight. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor General of India in Council shall, by notification in the *Calcutta Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that on any vacancy in the said office which shall occur by effluxion of time, the Governor General of India in Council shall have power to re-appoint the Vice-Chancellor hereinbefore nominated or any future Vice-Chancellor to such office.

Fellows.

VI. The Lieutenant-Governors of Bengal and the North-Western Provinces, the Chief Justice of the Supreme Court of Judicature at Fort William in Bengal or of any Court of Judicature hereafter to be constituted to or in which the powers of the said Supreme Court may be transferred or vested, the Bishop of Calcutta, and the Members of the Supreme Council of India, all for the time being, shall be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor General of India in Council shall forthwith, by notification in the *Calcutta Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, thirty. But nothing herein contained shall prevent the Governor General of India in Council from nominating more than thirty persons to be Fellows of the said University if he shall see fit.

The appointment of Fellow may be cancelled.

VII. The Governor General of India in Council may cancel the appointment of any person already appointed, or hereafter to be appointed a Fellow of the University, and as soon as such

order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

Chancellor, Vice-Chancellor, and Fellows to superintend the affairs of the University.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art; and touching the qualifications of the candidates for degrees and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor General of India in Council.

Bye-Laws.

Meetings of the Senate.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

Appointment and removal of Examiners and Officers.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and, as they shall see occasion, to remove all Examiners, Officers, and servants of the said University.

Power to confer degrees.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

Qualification for admission of Candidates for degrees.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate, from one of the Institutions authorized in that behalf by the Governor General of India in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Examination for degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination, the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination, the candidates, whether candidates for an ordinary degree or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Grant of degrees

XIV. At the conclusion of every examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Calcutta and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

Fees.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor General of India in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor General of India in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor General of India in Council may direct.

Annual accounts.

W. MORGAN,

Clerk of the Council.

Notifications, Appointments, &c.

No. 190.

Fort William, Home Department,
The 30th January 1857.

Notification.—Captain J. MacViccar, 41st M. N. I., resumed charge of his Office of Agent for the Suppression of Human Sacrifices and Female Infanticide in the Hill Tracts of Orissa on the 24th instant.

No. 191.

The unexpired portion of the leave granted to Mr. W. Blowers, on the 22nd February last, is cancelled from the 24th ultimo, the date on which he resumed charge of his Office of Deputy Post-master General at Bombay.

No. 192.

It is hereby notified for general information, that Telegraphic Stations have been opened at Kurnool, Mercara, Cananore, and Calicut, in the Madras Presidency, for the transmission of messages, and that messages for transmission to the above-mentioned places will be received at all Telegraph Stations throughout India.

No. 193.

The following Notification is re-published for general information :—

GOVERNMENT NOTIFICATION.
Diplomatic Department.

Her Majesty's Plenipotentiary and Chief Superintendent of British Trade in China has received from Her Majesty's Consul in Shanghae the following Notice to Mariners, which His Excellency has directed to be published for general information.

By order,
W. WOODGATE.

SUPERINTENDENCY OF TRADE, }
Hong-Kong, 12th December 1856. }

OFFICE OF MARITIME CUSTOMS ;
Shanghae, 20th November 1856.

With reference to a Notification from this Office, dated 27th October 1855, Notice is hereby given, that a Tower has been erected on the South Shore of the Yangtsze Keang, at Kew Toan. It is a plain structure of brick, painted red and white. Its height is 70 feet.

It bears from the Light Vessel N. 63° West, distance 16 miles.

The Trees upon Block House Island bear from it N. 15° West, distance 8 miles.

The Light Vessel is moored in 4½ fathoms at low water, and bears N. by W. ½ W. from Gutzlaff Island, from which she is distant 23 miles, and 1 mile from the Southern Spit of the North Bank. Ships leaving Gutzlaff, bearing S. by E., distance 15 miles, should steer a North-Westerly course. On making the Light Vessel, bearing N. W., they should steer so as to pass her on the Starboard hand, not bringing her to the Southward of West. After passing her, they should not bring her to the Southward of S. E. by E. ½ E., making due allowance for the setting of the Tides over the North Bank. When about sinking her Hull, the Tower will be seen, and the course prescribed by Captain Collingson's Directions can then be followed.

When a Vessel is observed running into danger, a Gun is fired from the Light Vessel to attract attention, and the signal of the course that should be steered is then exhibited A Ship's Signal Lamp is shown on board from sunset to sunrise.

A Meteorological Register and Tide Table are kept by the Master of the Light Vessel, copies of which can be had gratis on application at this Office.

(True Copy)
(Signed) W. WOODGATE.

No. 194.

The 3rd February 1857.

The under-mentioned specifications of inventions have been filed under the provisions of Act No. VI. of 1856, in the Office of the Secretary to the Government of India in the Home Department, and have been sent to the Office of one of the Secretaries to each of the Governments of Bengal, Madras, Bombay, and the North-Western Provinces.

A copy of each specification is open at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department, to public inspection, upon payment of a fee of one Rupee, and a certified copy of any specification will be given to any person requiring the same on payment of the expense of copying.

No. 6.—Teignmouth Sandys, of Gya, for the en pisé conpression of mortars and cements.

No. 18.—William Barton Wright, of Madras, for giving motion to Punkahs oscillating or rotatory, by means of the application of a water wheel.

No. 23.—John Stalkartt, of Goosery, in the 24-Pergunnahs, for increasing the produce of Indigo in process of manufacture.

No. 195.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. E. F. Radcliffe, of the Civil Service, who reported his return from Furlough on the 1st instant.

The Furlough available by the return to India of Mr. E. F. Radcliffe is assigned to Mr. C. W. Mackillop, of the Civil Service, for two years, from the date of his embarkation for Europe.

No. 196.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the North-Western Provinces, the Punjab and Oude, Mr. J. Guthrie, of the Civil Service, who reported his return from Furlough on the 1st instant.

The Furlough available by the return to India of Mr. J. Guthrie is assigned to Mr. A. Abercrombie, of the Civil Service, for three years, from the date of his embarkation for Europe.

CECIL BEADON,
Secy. to the Govt. of India.

No 520.

Fort William, Foreign Department,
The 30th January 1857.

Lieutenant E. C. Impey, Assistant to the Agent to the Governor General for the States of Rajpootana, assumed charge of his duties at Bhurtpore on the 29th ultimo.

No. 521.

Captain J. C. Haughton, Magistrate of Moulmein, delivered over charge, on the 17th ultimo, of his Office and of the Jail at that Station, to Lieutenant M. Carthew. Officiating First Assistant to the Commissioner, Tenasserim and Martaban Provinces, and received charge, on the 22nd idem, of the Deputy Commissioner's Office and Treasury of Tavoy, from Moung Shoay Kyee, Officiating Tseetkay.

Lieutenant R. C. Burn, received charge, on the 24th ultimo, of the Deputy Commissioner's Office and Treasury of Mergui, from Mr. D. G. Nicolson, late Officiating Deputy Commissioner.

Lieutenant E. B. Sladen, Officiating Assistant Commissioner of Sittang, assumed charge, on the 7th instant, of the Office of the Assistant Commissioner of the Sub-division of Martaban, in addition to his previous charge.

No. 522.

Mr. G. Hough, Extra Assistant Commissioner of Prome, availed himself, on the 27th ultimo, of the leave of absence, for one month, granted to him in G. O. dated 7th November last, No. 5567.

No. 523.

The leave of absence, for one month, granted to the Reverend C. S. P. Parish, Chaplain of Moulmein, in G. O. dated 28th November last, No. 5858, is cancelled at his request.

No. 524.

The 3rd February 1857.

Lieutenant T. H. Chamberlain, Assistant to the General Superintendent of Operations for the Suppression of Thuggee and Dacoitee at Etawah, has obtained leave of absence, under the Rules applicable to Military Officers on Staff employ, for six weeks, from the date on which he may avail himself of it, to visit Calcutta, preparatory to applying for leave to Europe on Medical certificate.

Lieutenant E. D. R. Ross, of the 3rd European Regiment, and Adjutant of the 17th Irregular Cavalry, is appointed to officiate for Lieutenant Chamberlain during his absence.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 8.

Fort William, Financial Department,
The 30th January 1857.

Notifications.—Read an Extract from the Proceedings of this Government in the Home Department, No. 31, dated the 12th instant, forwarding with remarks, for further consideration and orders, a letter from the Government of Bombay, requesting permission to adopt, in that Presidency, the practice in force in the N. W. Provinces and in the Punjab, of commuting pensions and other allowances to a limited extent.

Resolution.—The Right Hon'ble the Governor General in Council observes, that life pensions not exceeding Rupees 12 and 20 per annum are purchased by Government, with the consent of the pensioners, in the N. W. Provinces and in the Punjab respectively, by a present consolidated payment, calculated according to the scale shown in the margin.

* Agra Civil Auditor's Manual for 1853, page 100.—Value of a Life Annuity of 1 Rupee per annum :—

Age.			Value.	Age.			Value.
Under	10	Rs.	13	45	to 50		9½
10	to 20	,,	12½	50	to 55		9
20	to 25	,,	12	55	to 60		8
25	to 30	,,	11½	60	to 65		7
30	to 35	,,	11	65	to 70		6
35	to 40	,,	10½	Above	70		5
40	to 45	,,	10				

It being very desirable to commute these petty annual payments, the Governor General in Council is pleased to rule, with reference to the limitation of purchaseable pensions, that the larger limit of 20 Rupees per annum shall apply to *all* cases of life pensions payable by Government under all the Presidencies and Administrations in India.

Order.—Ordered, that a copy of the above Resolution be sent to the Home Department for communication to the Government of Bombay.

Ordered also, that a copy of the above Resolution be sent to the Department,* Governments,† and Officers‡ specified in the margin.

* Foreign Department.

† Bengal.
Fort Saint George.
N. W. Provinces.
Eastern Settlements.

‡ Civil Auditor, Fort William.
Sub-Treasurer, ditto.

Ordered further, that the above Resolution be published in the *Calcutta Official Gazette* for general information.

No. 9.

Read again, the Government Notification in this Department, No. 51, dated 14th November 1856, on certain points connected with the Covenanted Civil Service Absentee Rules.

Read an Endorsement from the Home Department, No. 79, dated 16th January 1857, forwarding for consideration and orders a letter from the Government of Bombay on the same subject.

Resolution.—The Right Hon'ble the Governor General in Council remarks, that it has been resolved by this Government, that "Officers intending to take Furlough, or to retire from the Service, will in future be required to continue to serve, unless disabled by sickness, for a period of three months after return to duty from Privilege Leave under the Civil Absentee Rules, failing which its advantages will be forfeited; that the period of preparatory leave prior to Furlough on Private Affairs, during which the Absentee shall be allowed a moiety of his allowance, shall be governed by the Rules* applicable to similar leave in case of Medical certificate, extending to one, two, or three months, according to circumstances; and that Officers stationed at the Presidency Towns† will be allowed preparatory leave for a period not exceeding one month."

* Clause VI. of the Covenanted Civil Service Absentee Rules.

† Calcutta, Madras, Bombay.

The Government of Bombay now report that, on a reference from the Archdeacon at that Presidency, they have recently held that the Rules

above quoted are to be considered applicable to Chaplains and Assistant Chaplains.

The Governor General in Council is of opinion, that the view expressed in the letter from the Government of Bombay is correct.

Order.—Ordered, that a copy of the foregoing Resolution be forwarded to the Home Department, for communication to the Government of Bombay, and that the paper noted in the margin be returned, copy being kept for record in this Office.

Letter from the Government of Bombay, No. 8, dated 3rd January 1857.

Ordered, that a copy of the Resolution be communicated to the Departments* and Governments† noted in the margin.

* Foreign. Military.

† Madras. Bengal. N. W. Provinces. Eastern Settlements.

Ordered also, that a copy of the Resolution be published in the *Calcutta Official Gazette.*

C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

No. 10.

Fort William, Public Works Department,

PUBLIC.

The 2nd February 1857.

Appointments.—The Right Hon'ble the Governor General in Council is pleased to appoint Lieutenant C. D. Innes, of Engineers, to be an Executive Engineer of the 3rd Class, and to post him to the Allahabad Division, *vice* Captain E. L. Dennys, of the 11th Regiment Native Infantry, in temporary charge.

No. 11.

Mr. C. Baldwin is appointed an Assistant Overseer in the Public Works Department, and posted to the Berhampore Division, with effect from the date on which he assumed charge of his duties.

No. 12.

The services of Lieutenant T. G. Glover, 2nd Class Executive Engineer, Rawul Pindee Division, are placed temporarily at the disposal of the Foreign Department.

W. E. BAKER, *Lieut.-Col.*,
Secy. to the Govt. of India.

No. 166.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 31st January 1857.—Mr. J. A. Crawford to be Assistant to the Joint Magistrate and Deputy Collector of Bancoorah.

Mr. J. G. Pughe to officiate as Sub-Deputy Opium Agent of Allegunge.

The 2nd February 1857.—Mr. H. A. Cockerell to officiate as Magistrate of Tipperah.

Leave of Absence.—The 28th January 1857.—Mr. J. F. Lynch, Deputy Magistrate of Sewan, for one month, under Section VI. of the Uncovenanted Absentee Rules.

Mr. A. J. Sheridan, Medical Officer of Beerbhoom, for one month, under Section VI. of the Uncovenanted Absentee Rules.

The 29th January 1857.—Lieutenant W. Mackinnon, Assistant Engineer, Patna Branch Road, for one month, on Medical certificate, under the Rules applicable to Military Officers in Staff employ, in extension of the leave granted to him by the Chief Engineer.

The 31st January 1857.—Mr. A. Wyatt, Revenue Surveyor, 3rd or East Division, for three months, on Medical certificate, under Clause 2 Section V. of the Uncovenanted Absentee Rules.

The 2nd February 1857.—Mr. A. Abercrombie, Magistrate of Tipperah, for one month, preparatory to proceeding on Furlough.

Notification.—The 29th January 1857.—Mr. H. H. Robinson, of the Civil Service, reported his departure from India on the 25th instant, on the Steam-ship *Ava.*

A. R. YOUNG,
Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 162 A. of 1857.

Judicial Department,

Head Quarters, the 23rd January 1857.

Leave of Absence.—Mr. Thomas Atchinson, Civil Surgeon of Goruckpore, for three months, under the new Military Leave Rules, from the 15th January 1857, to visit Calcutta, preparatory to applying for leave to England, on Medical certificate, making over temporary charge of the Civil Medical duties to Dr. J. Naismith, 17th Regiment Native Infantry, who will conduct them till further orders.

No. 203 A. of 1857.

The 27th January 1857.

Appointments.—Lieutenant C. K. M. Walter, 73rd Regiment Native Infantry, to be Second Assistant to the Commissioner of Ajmere.

No. 221 A. of 1857.

The 28th January 1857.

Mr. Henry Binny Webster, Assistant vested with the special powers described in Clause 3 Section II. Regulation III. of 1821, under Orders of the 12th November last, is transferred to the Allahabad Division, with a view to his employment in the Banda District.

No. 223 A. of 1857.

Mr. Assistant Surgeon A. H. Beaman, of the 28th Regiment Madras Native Infantry, to be Civil Surgeon of Hoshungabad, from the 31st December 1356, the date on which he assumed charge of the Civil Medical duties of the District.

No. 231 A. of 1857.

The 29th January 1857.

Leave of Absence.—Mr. Mordaunt Ricketts, Magistrate and Collector of Shahjehanpoor, for three months, under Section XII. of the Leave Rules, from the date on which he may avail himself of the leave.

Appointments.—Mr. William Jennings Bramly to officiate as Magistrate and Collector of Shahjehanpoor, during the absence of Mr. Ricketts, or till further orders.

Mr. Thomas E. Fairfax, Assistant vested with the special powers described in Clause 3 Section II. Regulation III. of 1821, under Orders of the 12th November last, is transferred to the Rohilkund Division for employment at Budaon.

C. B. THORNHILL,

Offg. Secy. to Govt., N. W. P.

No. 356 of 1857.

Judicial Department,

Agra, the 26th January 1857.

Leave of Absence.—Syed Bindeh Allee, Sudder Ameen of Meerut, to the end of March next, on Medical certificate, in extension of the leave granted him in Orders No. 6492, of the 27th December last.

By order of the Hon'ble the Lieutenant-Governor, N. W. Provinces,

R. C. OLDFIELD,

Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 2nd February 1857.

No. 171 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders :—

No. 471, *dated 30th January* 1857.—The Governor General in Council is pleased to make the following appointment in the United Malwa Contingent :

Lieutenant A. O. Mayne, Acting Commandant of Artillery, to be Commandant, *vice* Lieutenant F. Conybeare, proceeded on leave to Europe, under the old Rules.

No. 474, *dated 30th January* 1857.—The services of Brevet Captain W. Metcalf, of the 35th Regiment Native Infantry, and Officiating Cantonment Joint Magistrate at Wuzeerabad, are re-placed at the disposal of His Excellency the Commander-in-Chief, in consequence of the abandonment of the Cantonments at that place.

No. 476, *dated 30th January* 1857.—Captain E. J. Rickards, Second in Command of the Mhairwarra Local Battalion, has obtained leave of absence, for two months, from the 15th March next, to visit Bombay, preparatory to embarking for Europe on Furlough.

No. 481, *dated 30th January* 1857.—Assistant Surgeon C. Lowdell, 10th Regiment Oude Irregular Infantry, to have Medical charge of the Jail and Civil Establishments at Mulaon, and of the Detachment of the Military Police at that Station, from the 30th October last, in addition to his own duties.

Assistant Surgeon M. G. Hill, 9th Regiment Oude Irregular Infantry, to have Medical charge of the Civil Station of Seetapore, from the 23rd October last, in addition to his own duties.

No. 172 *of* 1857.—The following Notification, from the Public Works Department, is published in General Orders :—

No. 9, *dated 30th January* 1857.—The Right Hon'ble the Governor General in Council is pleased to appoint Lieutenant B. Wyld, of the 3rd Madras European Regiment, to be an Executive Engineer of the 4th Class in the Public Works Department, in the Tenasserim and Martaban Provinces.

Lieutenant Wyld is appointed to survey the Moulmein and Mergui Road.

No. 173 *of* 1857.—The following Notification issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, is published in General Orders :—

No. 106 *A., dated 24th January* 1857.—Second Lieutenant J. U. Champain, of the Engineers, to officiate as Assistant to the Principal of the Thomason College, Roorkee, during the temporary absence of Lieutenant Chesney, or till further orders.

No. 174 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Bombay.
Captain James Young, of the 4th Regiment Native Infantry...	7th Dec. 1856.

No. 175 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotions and alteration of rank :—

16th Regiment Native Infantry (Grenadiers.)

Lieutenant and Brevet Captain George Byres Mainwaring to be Captain of a Company, *vice* Captain George Foster, deceased, with rank from the 23rd November 1856, for the augmentation.

N. B.—This cancels the promotion of Lieutenant George Foster, published in Government General Order No. 1454, of the 24th November 1856.

Ensign Francis William Boileau to be Lieutenant, *vice* Lieutenant and Brevet Captain George Byres Mainwaring, promoted, with rank from the 23rd November 1856, for the augmentation.

N. B.—The promotion, by Brevet, of Lieutenant George Byres Mainwaring, of the 16th Native Infantry (Grenadiers), published in Government General Order No. 49, of the 9th January 1857, is hereby cancelled.

Alteration of Rank.

Corps.	Rank and Name.	To rank from.	In whose room.
16th N. I. (Grenadiers)	Lieutenant W. W. Boddam	1st October 1856	Lieutenant G. Foster, deceased.

24th Regiment Native Infantry.

Lieutenant Alexander Irvine, to be Captain of a Company
Ensign Aylmer Vivian, to be Lieutenant ... ...
} From the 31st of January 1857, in succession to Captain and Brevet Major John Guise, retired.

Fort William, 3rd February 1857.

No. 176 *of* 1857.—The services of Captain E. D. R. Ross, of the 3rd European Regiment, Adjutant, 17th Irregular Cavalry, are placed temporarily at the disposal of the Foreign Department.

No. 177 *of* 1857.—Jemadar Kishna or Kishen Chund, attached to the Hazara Mountain Train, is dismissed the Service of the East India Company, from the date of publication of this Order at the Head Quarters of the Battery.

No. 178 *of* 1857.—The under-mentioned promotions will take place consequent on the death of the following Officers :—

Lieutenant General Richard West, Madras Infantry, died on the 15th September 1856.

Major General William John Butterworth, C. B., Madras Infantry, died on the 4th November 1856.

Brevet.

Lieutenant Colonel John Forbes Musgrove, Madras Infantry, to be Colonel in the Army .. ..
Major William Anderson, Bengal Infantry, to be Lieutenant Colonel in the Army ... ...
Captain Henry Walpole Tulloch, Madras Infantry, to be Major in the Army ... ...
} From the 15th September 1856.

Lieutenant Colonel Arthur Wheatley, Bengal Cavalry, to be Colonel in the Army
Captain and Brevet Major Charles Yates, Madras Infantry, to be Lieutenant Colonel in the Army ... ...
Captain John Gustavus Halliday, Madras Infantry, to be Major in the Army ... ...
} From the 4th November 1856.

No. 179 *of* 1857.—The following paras. of a Military letter, from the Hon'ble the Court of Directors to the Government of India, No. 216, of the 17th December 1856, are published for general information :—

1. We have appointed Mr. Hugh Bedford Troup, now abroad, a Cadet of Infantry upon the Bengal Establishment, subject to the usual conditions and to his being found qualified agreeably to the prescribed test.

2. Mr. Troup's order of rank will be transmitted in due course.

No. 180 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotions :—

Regiment of Artillery.

First Lieutenant and Brevet Captain Henry John Bannatyne Macleod to be Captain
Second Lieutenant James Alexander Haldane Eckford to be 1st Lieutenant ... ...
} From the 1st of February 1857, in succession to Captain and Brevet Major Richard Horsmonden Baldwin, retired.

No. 181 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to direct, that the following Military letter, from the Hon'ble the Court of Directors to the Government of India, No. 215, of the 17th December 1856, with the War Department Circulars therein referred to, be published in General Orders :—

MILITARY DEPARTMENT.

No. 215 *of* 1856.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

We transmit herewith three copies of each of the War Office Circulars specified in the margin, under which Pay-master Clerks and Orderly Room Clerks of Her Majesty's Service are entitled to an increased rate of pay after three years' uninterrupted service in those ranks.

Circular dated 10th Nov. 1855, No. 1210.
Ditto ditto 18th June 1856, No. 1230.

We are, &c.,

(Signed) W. H. SYKES,
And Ten other Directors.

LONDON, 17*th December* 1856.

CIRCULAR No. 1210.

War Office, 10th Nov. 1855.

SIR,

157,266 / 3

The situation of Regimental Pay-master's Clerk, who at present receives the pay of Serjeant, with an increase of 6*d.* a day after seven years' uninterrupted service in that rank, having been brought under the consideration of the Secretary at War, with a view to some improvement

thereof, and it appearing to Lord Panmure, that the qualifications required for the efficient performance of the duties of that appointment are deserving of a better provision, I am directed to acquaint you, that the increased pay of 6*d.* a day, with the rank of Colour Serjeant, now sanctioned after seven years' service, to the Regimental Paymaster's Clerk, will be granted after three years' uninterrupted service in that rank, under the same provisions as are applicable under Article 188 of the War Office Explanatory Directions to the grant after seven years.

I am to add that this arrangement is to take effect from the 1st instant, and that Pay-masters' Clerks, who shall have served three years and upwards on that date, and are not already in receipt of the increase, may be recommended in the usual manner for the same, from the above-mentioned date.

I have the honor to be,

SIR,

Your most obedient Servant,

B. HAWES.

TO OFFICERS COMMANDING REGIMENTS.

CIRCULAR No. 1230.

War Department, 18*th June* 1856.

SIR,

109,020 / 64

It appearing to Lord Panmure, that Regimental Orderly Room Clerks, from the nature of their duties and the qualifications requisite for the efficient performance of them, are equally deserving of the advantages which have lately been granted to Regimental Pay-masters' Clerks, I am directed by His Lordship to acquaint you, that the increased pay of six-pence a-day, with the rank of Troop Serjeant-Major or Colour-Serjeant, now allowed after seven years' service to the Orderly Room Clerk, will be granted after three years' uninterrupted service in that rank.

I am to add, that this arrangement will commence from the 1st June 1856, and that Orderly Room Clerks who shall have served three years and upwards on that date, and are not already in receipt of the increase, may be recommended in the usual manner to receive the same from the above-mentioned date.

I have the honour to be,

SIR,

Your most obedient Servant,

B. HAWES.

TO OFFICERS COMMANDING REGIMENTS.

No. 182 *of* 1857.—Captain Richard Boulton, of the 7th Regiment Light Cavalry, is permitted to retire from the Service of the East India Company on the pension of his rank, from the 23rd of March next.

No. 183 *of* 1857.—The under-mentioned Sub-Conductors are promoted to the rank of Conductor, from the dates specified opposite to their respective names :—

ORDNANCE COMMISSARIAT DEPARTMENT.

To be Conductors.

Sub-Conductor John Byrne, from the 29th June 1856, *vice* Comyn, deceased.

Sub-Conductor Thomas H. Hill, from the 6th July 1856, *vice* T. Byrne, deceased.

Sub-Conductor James McDermot, from the 18th July 1856, *vice* Corcoran, promoted to Deputy Assistant Commissary.

Sub-Conductor J. Nolan, from the 13th August 1856, *vice* Morris, deceased.

Sub- Conductor Patrick McDermot, from the 20th August 1856, *vice* Sheridan, promoted to Deputy Assistant Commissary in the Artillery Depôt of Instruction.

Sub-Conductor Patrick Mallon, from the 7th September 1856, *vice* Young, deceased.

Sub-Conductor William Webb, from the 28th October 1856, *vice* Cooney, deceased.

Sub-Conductor Henry Shaw, from the 28th October 1856, *vice* Forsyth, deceased.

Sub-Conductor W. Skeaf, to complete the Establishment.

Sub-Conductor J. Ford, to officiate as Conductor in room of Borthwick, Officiating Deputy Assistant Commissary.

No. 184 *of* 1857.—The under-mentioned Probationers at the Artillery Depôt of Instruction are appointed to officiate as Sub-Conductors in the Ordnance Commissariat Department, from the 20th January 1857, the date on which they passed the prescribed Examination, leaving the date of their Warrants for future adjustment :—

Serjeant Major J. Swallow, 73rd Regiment Native Infantry.

Serjeant and Laboratory-man H. Franklin, Ferozepore Magazine.

No. 185 *of* 1857.—The Right Hon'ble the Governor General of India, in Council directs that the following paragraph of a Military letter, from the Hon'ble the Court of Directors to the Government of India, No. 214, of the 17th December 1856, be published in General Orders :—

Letter dated 22nd August 1856, No. 278. Transmits for favorable consideration a Memorial from Assistant Commissary W. May, soliciting promotion to the rank of Lieutenant on the Veteran Establishment.

Para. 8.—Assistant Commissary W. May has been in the Army forty-two years, of which thirty-two years have been passed in the Commissariat Department, and he has served in several Campaigns. He has uniformly borne an excellent character. In compliance with your recommendation, and that of His Excellency the Commander-in-Chief, we have now the satisfaction of authorizing the grant to him of a Commission as Lieutenant on the Veteran Establishment, from the date of your receipt of this Despatch.

The Hon'ble Court's letter having been received this day, the Commission of Lieutenant on the Veteran Establishment conferred on Assistant Commissary May, and the allowances to be drawn by him, will have effect from this date.

No. 186 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Surgeon George Charles Wallich, M. D., of the Medical Department	For eighteen months, under the new Rules.

No. 187 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant William Henry Macnaghten, of the 1st Regiment Light Cavalry	For two years, under the old Rules.

No. 188 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Capt. James Lumsdaine Walker, of the 71st Regiment of Native Infantry ...	For 18 months under the new Rules.

No. 189 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Bombay.
Captain and Brevet Major Muirson Trower Blake, of the 54th Regiment Native Infantry, Commandant of the 2nd Regiment of Infantry, Gwalior Contingent on leave for 15 months from 3rd February 1856.	22nd Jan. 1857.

No. 190 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment, without prejudice to their rank, by permission of the Hon'ble the Court of Directors:—

	Date of Arrival at Fort William.
Captain and Brevet Lieutenant Colonel Henry Frederick Dunsford, of the 59th Regiment N. I. ...	1st Feb. 1857.
Lieutenant Beauchamp Colclough Urquhart, of the 39th Regiment N. I. ..	
Lieutenant Illtudus Thomas Prichard, of the 15th Regiment N. I. ...	2nd Feb. 1857.

No. 191 *of* 1857.—The under-mentioned Gentleman is admitted into the Service, in conformity with his appointment by the Hon'ble the Court of Directors, as a Cadet of Infantry on this Establishment, and promoted to the rank of Ensign, from the date assigned to him in Government General Order No. 1591, dated 23rd December 1856 :—

	Date of Arrival at Fort William.
Infantry.	
Mr. Odiarne Coates Walter..	2nd Feb, 1857.

No. 192 *of* 1857.—In conformity with Government General Order No. 144 of 1852, the following Statement of Deposits made in the General Treasury, during the month of December 1856, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the East India Company's Service, is published for general information; and it is hereby notified. that claims to the Estates in question, which shall not be preferred to the Sub-Treasurer by Executors and Administrators before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money, after that period, will be remitted to, and made payable by, the Hon'ble the Court of Directors only:—

Statement of Deposits made at the General Treasury of Fort William, on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the East India Company's Service, in December 1856.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.	Remarks.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.			
												In Company's Rupees.	Equivalent in Sterling.		
	COMMISSIONED AND WARRANT OFFICERS.														
2nd	Augustus Chauncey	Lieutenant	39th Madras Native Infantry, Officiating Superintendent, Electric Telegraphs in India	....	10th July 1856	Intestate	1263 1 1	.	1263 1 1	..	..	..	..	..	Left a mother and brothers and sisters residing at Westbourne Terrace, London.
5th	George Frederick Hotham	Ditto	15th Irregular Cavalry	....	13th April 1854	Ditto	700 0 0	..	700 0 0						
6th	Frederick Augustus Jeune	Ditto	25th N. I.	....	11th March 1856	Will	50 0 0	..	50 0 0	..	..	..	..	..	Legatees, wife and children.
,,	Robert Thomas Taylor	Ditto	45th N. I.	....	6th September 1856	Intestate	1000 0 0	..	1000 0 0	..	..	..	..	..	Brother, Lieut. H. A. Taylor, 74th N. I.
8th	Frederick Augustus Jeune	Ditto	25th N. I.	....	11th March 1856	Will	696 8 0	..	696 8 0	..	..	..	..	..	Legatees, wife and children.
9th	James McRae	Surgeon	Principal and Professor of Medicine, Medical College.	....	6th September 1856	Ditto	1464 12 6	..	1464 12 6	1464 12 6	..	..	..	..	19th December 1856—paid Mrs. C. E. McRae, Executrix.
,,	Frederick Augustus Jeune	Lieutenant	25th N. I.	....	11th March 1856	Ditto	926 11 6	..	926 11 6	..	..	..	..	..	Legatees, wife and children.
10th	Patrick Cooney	Conductor	Artillery	....	27th October 1856	Ditto	113 15 8	..	113 15 8	..	..	..	..	..	Widow, Mary Ann Cooney; children, Mary, Michael, Susan, Patrick, and Joseph Cooney.
,,	Richard Wellesley Down	Ensign	7th N. I.	....	19th August 1856	Intestate	1 8 6	..	1 8 6	..	..	..	..	..	Father J. Thornton Down, Esq., Mornington Lodge, North End, Fulham.
13th	Alexander Bethune	Deputy Commissary	Ordnance Commissariat	....	17th July 1856	Will	42 3 9	..	* 42 3 9	..	..	..	..	..	Legatee, Mary Bethune McDonald, widow, of Mary Burgh *viâ* Dingwall, Ropshire.
6th	John Robert James Bruere	Lieutenant	49th N. I.	....	10th October 1856	Intestate	353 5 7	..	353 5 7	..	..	..	..	..	
,,	William Scott	Cornet	7th Light Cavalry	....	10th August 1856	Ditto	583 4 0	..	583 4 0	..	..	..	..	..	No wife or child, Mother, Mrs Mary Harriet Bruere, 35, Park Street, Bath.
,,	Henry Montgomery	Lieutenant / Deputy Commissioner	Artillery / Saugor	....	9th September 1856	Ditto	743 1 1	..	†743 1 1						
18th	John Nixon Sharp	Major	Engineers	....	17th August 1856	Will	421 0 0	..	421 0 0	..	..	..	..	..	Bequeathed to widow, Sophia Sharp, with reversion to children, William, Edward, and Sophia Sharp

* 12th—Also a 4 per cent. G. P. Note, No. 14507, of 1854-55, for Co's Rs. 1,000.

† 11th November 1856.—Also five G. P. Notes, viz.:

No 5494 of 1854-55,	.. Co.'s Rs.	3,200	Co.'s Rs. 15,300.
,, 5491 ,,	.. ,,	2,000	
,, 14907 ,,	.. ,,	3,000	
,, 5980 of 1855 56,	.. ,,	2,100	
,, 11207 of 1854-55, P. W. Loan,	,,	5,000	

Date of Deposit	On whose account.	Rank.	Corps	General Number	Date of Decease	Testate or Intestate	Amount of monies accruing from the adjustment of Estates	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited	How disposed of: Amount paid in India.	Amount retained in India.	Amount remitted for payment in England: In Company's Rupees	Amount remitted for payment in England: Equivalent in Sterling	Rate of Exchange.	Remarks
			COMMISSIONED AND WARRANT OFFICERS —*(Continued.)*												
18th	John Murray Murray	Lieutenant, A D C to Lieut Governor N W Provinces	6th Light Cavalry	..	14th April 1856	Intestate	531 7 0	..	531 7 0	..	..	?	..		Mother, Lady Murray Ardeley, Bury, Huntingford, Hertfordshire
19th	John Malett	Ensign and Riding Master	10th Light Cavalry	.. ..	17th September 1856	Will	2000 0 0	..	2000 0 0	..	..	..	..		Legatees, daughter, Alice de Rahin Malett Legatees, wife and children.
20th	Frederick Augustus Jeune	Lieutenant	25th N L	..	11th March 1856	Ditto	4000 0 0	..	4000 0 0	..	..	..	..		
23rd	George Trunter	Sub Assistant Surgeon	United Malwah Contingent	.. ..	10th November 1855	...	7100 0 0	..	7100 0 0	..	..	..	..		Bequeathed to widow Sophia Sharp, with reversion to children, William, Edward, and Sophia Sharp.
24th	John Nixon Sharp	Major	Engineers	....	17th August 1856	Will									
,,	William Weddel Bizzett	Assistant Surgeon	Medical Department	.. ..	24th August 1856	Intestate	3725 3 2	..	3725 3 2						
,,	George Mytton	Lieutenant, A D C to the Hon'ble	Artillery, Lieut-Govr of Bengal	..	10th June 1856	Ditto	1156 2 0	.	1156 2 0						
,	—— Lynam	Sub Conductor	Madras Establishment	.. ..	17th November 1856	Ditto	73 9 9	..	73 9 9						
26th	John Robert James Bruere	Lieutenant	49th N L	.. ..	10th October 1856	Intestate	399 10 1	..	399 10 1	..	..	..	..		No wife or child Mother, Mrs Mary Harriet Bruere, 35, Park Street, Bath
,,	Henry Montgomery	Lieutenant, Deputy Commissioner	Artillery, Sangor	.. ..	9th September 1856	Ditto	570 0 0	..	570 0 0						
,,	William Scott	Cornet	7th Light Cavalry	.. ..	10th August 1856	Ditto	1231 11 0	.	1231 11 0						
31st	William Smith	Captain	Invalid Establishment	.. ..	4th August 1856	Ditto	6203 15 2	..	6203 15 2	..	..	..	..		Mrs. M Dalrymple, Dominica, West Indies, Mrs Janet Campbell, care of Mr Comacher, Excise Officer, Office Greenock, Glasgow, Dr. Sipson nephew, Reigate, Surrey
,,	John Murray Murray	Lieutenant, A D C. to Lieut Governor, N W Provinces	6th Light Cavalry	....	14th April 1856	Ditto	400 0 0		400 0 0	..	..	..	..		Mother, Lady Murray, Ardeley, Bury, Huntingford, Hertfordshire.
			NON-COMMISSIONED OFFICERS AND SOLDIERS.												
1st	Geo Homenhus Geo Home Byrne	Gunner	3rd Tp 2nd Brig H Arty	64	27th July 1856	Intestate	72 3 8	.	72 3 8	..	..	..	..		Next of kin not known
,,	John Stokes	Drill Serjeant	2nd Brig. H Arty	3586	14th August 1856	Will	84 13 1	..	84 13 1	..	..	..	..		Legatee, deceased s son, Frederick Charles Stokes, a minor.
,,	Peter Cameron	Gunner	2nd Co 4th Battn Arty	8273	16th August 1856	Intestate	18 2 5	..	18 2 5	..	..	..	..		Sister Margaret Cameron Nairn, County Nairn, Scotland
,,	William Dreenan	Ditto	Ditto	4028	21st August 1856	Ditto	12 14 10		12 14 10	..	..	..	.		Mother Rebecca Dreenan, Antrim, County Antrim, Ireland
,,	John Hurley	Ditto	Ditto	6305	16th August 1856	Ditto	16 8 0	.	16 8 0	..	..	..	.		Sister Mary Hurley Kilmalock, Limerick, Ireland
,,	John Maglone	Ditto	Ditto	5540	25th July 1856	Ditto	21 2 7	..	21 2 7	..	..	..	.		Next of kin unknown.
,,	Peter Miller Smith	Quarter Mr Serjeant	4th Battn Arty	2348	19th August 1856	Will	389 8 0	.	389 8 0		..	..	..		Legatee, Frances Louisa Douglas, heir, a minor
5th	George Grant	Gunner	3rd Tp 1st Brig H Arty	4783	23rd August 1856	Intestate	43 3 4	..	43 3 4	.	.	..	..		Next of kin unknown
6th	Thomas Doyle	Ditto	3rd Co 4th Battn Arty	7464	16th August 1856	Will	18 10 4	.	18 10 4	..	.	..	..		Legatee brother Michael Doyle, Mount Leftus, Greig na mon Kilkenny, Ireland.
,,	Patrick Carty	Ditto	4th Co 3rd Battn Arty	7398	26th August 1856	Intestate	22 11 9	..	22 11 9	..	..	..	.		Sister Johanna Carty, Upper Shandon, Cork, Ireland
,,	Patrick Heghray	Ditto	2nd Co 2nd Battn Arty	4546	20th March 1856	Ditto	75 13 0	.	75 13 0	..	..	..	..		Next of kin not known
,,	Michael Carton	Ditto	2nd Co 4th Battn. Arty	4107	13th August 1856	Ditto	13 15 0	.	13 15 0	..	..	..	..		Mother, Margaret Carton, Parish Gary, Wexford, Ireland
,,	William Leslie	Ditto	2nd Tp 2nd Brig H Arty	6880	7th August 1856	Ditto	8 0 9	..	8 0 9	.	.	.	..		Next of kin not known
,,	James Eyers	Gunner	3rd Tp 2nd Brig H Arty	8397	26th August 1856	Intestate	7 1 2	..	7 1 2	.	.	.	..		Mother, Augusta Eyers, St. James Bath, Somerset.
,	Bruce or Bruce Irvin	Recruit	2nd Eur Bengal Fushers	..	3rd November 1855	Ditto	9 10 5	.	9 10 5	..	.	..	..		Left a father, James Irvin, Aughnadery, County Down, Ireland
,,	Henry Litter	Private	Ditto	1750	11th December 1855	Ditto	9 10 5	..	9 10 5	..	.	..	..		Next of kin unknown.
,,	Henry Jerrold	Corporal	Sappers and Miners	Not given	29th July 1856	Ditto	109 11 10	.	109 11 10	..	..	..	..		Mother, Ann Jerrold, Cambridge.
,,	William Swan	Private	3rd European Regiment	783	26th June 1856	Ditto	14 10 4	.	14 10 4	.	..	..	.		Father Andrew, Swan, Town and County Perth, Scotland

NON COMMISSIONED OFFICERS AND SOLDIERS —(Continued)

9th	William Henry Moulls	.	Ditto	.	Ditto		730	17th August	1856	Ditto		23 15 2			23 15 2	..	..	..	..	Father, Wm H Moulls, King's Town on Hull, York, England
10th	Peter Poyser		Gunner	.	2nd Tp 1st Brig H Arty		3768	2nd August	1856	Ditto		131 5 7			131 5 7	.	.	..	..	Next of kin not known
,,	William Brown	.	Ditto	.	2nd Co 4th Battn Arty		7622	23rd August	1856	Ditto		10 0 4			10 0 4	..	..	.	.	Father, Joseph Brown, Parish of Crosthevent, Cumberland.
,,	William Dodd	.	Ditto	.	Ditto		7853	13th August	1856	Ditto	.	13 14 9			13 14 9	..	..	.	..	Brother, Samuel Dodd, Saint Mary, Nottingham
,,	Thomas Prince		Ditto	.	Ditto	..	7915	16th August	1856	Ditto		30 15 7	.		30 15 7	..	..	..	..	Mother, Mary Ann Elss, Wroughton, Swindon, Wiltshire
,,	Daniel Sills	.	Ditto,		Ditto	.	4073	16th August	1856	Ditto	.	23 9 0	.		23 9 0	..	..	.	..	Sister, Elizabeth Sills, Chesham, Buckingham
,,	Robert Doncanson		Ditto	.	4th Co 4th Battn Arty.		8940	29th August	1856	Ditto	.	16 0 11	..		16 0 11	..	..	.	..	Brother James Doncanson St George's Glasgow, Lanark Scotland
,,	Patrick Leary	.	Ditto	.	Ditto	..	5314	22nd August	1856	Ditto		14 6 6	..		14 6 6	..	..	..	..	Mother, Margaret Leary, Cork, County Cork Ireland
,,	Richard Martyn	..	Ditto	..	Ditto		5343	26th August	1856	Ditto		7 13 4	..		7 13 4	..	..	..	..	Brother Thomas Martyn, St. Austel, Cornwall, England
,,	Joseph Vicars	..	Ditto	.	Ditto	.	4493	28th August	1856	Ditto		14 11 8	..		14 11 8	..	..	..	..	Sister, Ann Vicars, Ratcliff, Leicester, Gloster.
,,	Thomas Hedgecock	.	Bombardier	..	3rd Co 4th Battn Arty		6293	13th August	1856	Ditto	.	44 2 7	..		44 2 7	..	..	..	..	Mother, Mary Ann Hedgecock, Harbourne, Birmingham, Stafford
,,	Michael Gorman		Gunner		Ditto		7416	14th August	1856	Ditto	..	17 4 7	.		17 4 7	..	.	..	..	Uncle, Thomas Gorman, 6, Milbridge, Clare, Ireland.
,,	John O'Brien	.	Ditto	.	Ditto	.	7707	13th August	1856	Ditto		17 15 2	.		17 15 2	..	..	..	..	Next of kin not known.
,,	John Robinson	.	Rough Rider	.	3rd Tp 2nd Brig H Arty		4851	8th August	1856	Ditto	.	6 10 0	.		6 10 0	..	..	..	..	
,,	John McGregor	.	Gunner	.	Ditto		5317	8th August	1856	Ditto		26 0 2	..		26 0 2	..	..	..	.	
,,	John Connell	.	Ditto	.	Ditto		6969	21st August	1856	Ditto	.	15 4 7	.		15 4 7	..	..	.	.	Son, name not known, with Mrs Boyd, Collin's Lane, Coal Quay Cork
,,	John McCormack	.	Bombardier	..	1st Co 4th Battn Arty	.	6481	16th August	1856	Will	.	67 7 11	..		67 7 11	..	..	..	..	Bequeathed to deceased's sister, Catherine McCormack, residing with Patrick Hannigan, employed by Messrs John Russell and Sons Lamerick.
11th	John Arrow Smith	.	Private	..	3rd European Regiment		972	13th October	1856	Intestate		23 6 4	..		23 6 4	..	..	..	..	Left a son William Arrow Smith.
16th	John FitzGibbon	.	Gunner	..	1st Co. 4th Battn Arty	.	7296	1st September	1856	Ditto	.	19 15 9	..		19 15 9	..	..	..	..	Uncle, Michael FitzGibbon, Ennis, Clare, Ireland
,,	Thomas Hall	..	Ditto	.	2nd Co. 4th Battn Arty		7870	31st August	1856	Ditto	.	33 2 4	..		33 2 4	..	.	..	..	Mother Bridget Hall, Ballylinaker, Enniscorthy, Wexford, Ireland.
,,	Michael Christie	.	Ditto	.	Ditto		8009	15th August	1856	Ditto	.	12 0 8	..		12 0 8	..	.	..	..	Father, Amery Christie, Barony, Glasgow, Lanark.
,,	John Comb	..	Ditto	..	Ditto	.	7749	11th August	1856	Ditto	.	7 4 2	.		7 4 2	..	..	..	..	Sister Jane Johnston, Dunfermline, Fife, Scotland.
,,	Michael Laughton	..	Ditto	.	Ditto	.	3263	17th August	1856	Ditto	.	20 4 0	..		20 4 0	..	..	.	..	Brother, Patrick Laughton, Escourtz, Kilkenny, Ireland
,,	Michael McNeelis	.	Ditto	.	Ditto	..	4820	15th August	1856	Ditto	.	11 0 8	..		11 0 8	..	..	..	..	Mother, Nora McNeelis, Kellybegs, Dougal, Ireland.
,,	Thomas Harper	.	Ditto		2nd Tp. 2nd Brig H Arty		6463	24th August	1856	Ditto	..	9 0 3	..		9 0 3	..	..	..	..	Next of kin unknown
,,	William Jones	.	Ditto	..	3rd Tp 2nd Brig H Arty		8309	24th August	1856	Ditto	.	14 15 8	..		14 15 8	..	..	..		Brother, Thomas English (or Jones), care of Messrs, Carter and Martin, 62, Corporation Street, Belfast
,,	William Crawford	.	Corporal		1st Co 4th Battn Arty	..	6428	10th August	1856	Ditto	.	47 9 0	..		47 9 0	..	..	..	.	Father, Robert Crawford, Glasgow Scotland
,,	David Barrie		Gunner	.	Ditto		7839	15th August	1856	Ditto	..	23 8 2	..		23 8 2	..	..	..	..	Father, James Barrie, Auchter House, Forfarshire, Scotland.
,,	John Drake	.	Ditto	..	Ditto	.	3169	17th August	1856	Ditto	..	158 9 4	.		158 9 4	..	..	..	..	Next of kin unknown.
,,	George Hunt	..	Ditto	..	Ditto	.	4143	17th August	1856	Ditto	..	74 0 1	..		74 0 1	..	..	..	..	Aunt, Carohne Brooke, Bollet, Chatham, Kent England.
,,	Thomas Marks	.	Ditto	..	Ditto	..	5787	17th August	1856	Ditto	.	7 10 1	..		7 10 1	..	..	..	..	Mother, Elizabeth Gaylard, Plymouth, Devonshire
,,	Peter Reilly	.	Ditto	.	2nd Co 4th Battn. Arty		6374	14th August	1856	Ditto	.	23 13 9	..		23 13 9	..	..	..	..	Brother, Thomas Reilly, Athley, Meath, Ireland
,,	James Ray	..	Ditto	.	Ditto	..	8353	23rd August	1856	Ditto	.	18 3 7	..		18 3 7	..	..	..	..	Mother Margaret Ray, Town and County Ayr Scotland.
,,	Thomas Keane	..	Gunner	.	3rd Co 4th Battn Arty	..	7319	18th August	1856	Ditto	.	21 9 2	..		21 9 2	..	..	.	.	Next of kin not known
,,	Walter Dugey	..	Serjeant	.	1st Co 4th Battn Arty	..	6135	19th August	1856	Ditto	.	17 12 5	.		17 12 5	..	..	..	..	Mother Mary Dugey, Wherewell, near Andover, Hampshire.
,,	James Regan	.	Corporal		Ditto	.	2259	12th August	1856	Ditto	.	356 4 10	..		356 4 10	..	..	..	..	Sister Mary Regan, No 30, John Street, Waterford, Ireland
,,	Frederick Balls		Bombardier	.	Ditto		6427	12th August	1856	Ditto	.	44 9 1	.		44 9 1	..	..	..	..	Sister Ann Balls, Finsbury, London.
,,	James Frost		Gunner		Ditto	.	7685	2nd August	1856	Ditto	.	57 13 11	..		57 13 11	..	..	..	.	Father, Samuel Frost, Appleton, York.
,,	John Gallagher	.	Ditto	.	Ditto	..	7202	15th August	1856	Ditto		17 9 8	..		17 9 8	..	..	..	..	Father, James Gallagher, Lifford, Donegal, Ireland

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of.				Rate of Exchange.	Remarks.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.			
												In Company's Rupees.	Equivalent in Sterling.		
	NON-COMMISSIONED OFFICERS AND SOLDIERS.—*(Continued.)*														
16th	John Hunt	Gunner	1st Co. 4th Battn. Arty.	5690	18th August	1856 Intestate	21 15 5	..	21 15 5	..	..	..	..	..	Next of kin not known.
,,	Thomas Jones	Ditto	Ditto	5777	16th August	1856 Ditto	11 8 8	..	11 8 8	..	..	..	..	..	Mother, Ann Jones, Worcester, England.
,,	Frederick John Spencer	Ditto	Ditto	5261	12th August	1856 Ditto	12 13 10	..	12 13 10	..	..	..	..	..	Father, William Spencer, Manchester, England
,,	James Turnbull	Ditto	Ditto	2438	11th August	1856 Ditto	117 7 9	..	117 7 9	..	..	..	..	..	Brother, William (surname not given), London
,,	Thomas Newham	Ditto	2nd Tp. 3rd Brig H. Arty.	3078	16th August	1856 Ditto	6 14 3	..	6 14 3	..	..	..	..	..	Father, W. Gibbs, Borough, Surrey.
,,	Robert Tracy	Ditto	2nd Co. 2nd. Battn. Arty.	8018	8th July	1856 Ditto	54 11 5	..	54 11 5	..	..	..	..	..	Brother, Michael Tracy, Knockborg, Waterford.
,,	David Richmond	Private	1st Eur. Bengal Fusiliers	2699	14th September	1856 Ditto	13 9 0	..	13 9 0	..	..	..	..	..	Next of kin not known.
,,	Septimus Tyrrell	Gunner	1st Co. 6th Battn Arty.	8709	29th July	1856 Ditto	21 9 7	..	21 9 7	..	..	..	..	..	Father, John Tyrell, Dent, Yorkshire.
,,	Daniel Louny	Acting Corporal	2nd Co. 2nd Battn Arty.	1621	30th July	1856 Ditto	23 5 0	..	23 5 0	..	..	..	..	..	Next of kin not known
,,	George Penilton	Gunner	3rd Tp. 3rd Brig. H. Arty.	8584	18th August	1856 Ditto	40 0 8	..	40 0 8	..	..	..	..	..	Mother, Ann Penilton, Belfast, Antrim, Ireland.
17th	Edmund Sheridan	Private	3rd European Regiment	246	9th October	1856 Ditto	31 8 5	..	31 8 5	..	..	..	..	..	Left a wife, a patient in the Lunatic Asylum, and a son in the Roman Catholic Orphanage, Calcutta.
18th	William Hennessy	Gunner	2nd Co 1st Battn. Arty.	6307	17th September	1856 Will	45 5 10	..	45 5 10	..	..	..	..	..	Legatee, sister, Johannah Hennessy, address not given.
19th	Thomas Smith	Ditto	1st Co. 4th Battn. Arty.	5381	14th August	1856 Intestate	21 0 11	..	21 0 11	..	..	..	..	..	Next of kin not known.
,,	John Drew	Corporal	Ditto	4393	14th August	1856 Ditto	38 2 9	..	38 2 9	..	..	..	..	..	Sister, Elizabeth Drew, Parish Coats, Petworth, Sussex, England.
,,	Matthew Neden	Gunner	Ditto	7155	14th August	1856 Ditto	30 13 11	..	30 13 11	..	..	..	..	..	Mother, Maria Neden, Flech, Cheshire, England
,,	Robert Donald	Corporal	Ditto	6133	14th August	1856 Ditto	36 6 9	..	36 6 9	..	..	..	..	..	Father, Wm. Donald, Ballymore, County Armagh, Ireland.
20th	Joseph Horwood	Gunner	2nd Co. 6th Battn. Arty.	8650	16th August	1856 Ditto	32 2 0	..	32 2 0	..	..	..	..	..	Mother, Elizabeth Horwood, Bloomsbury, Middlesex.
,,	Michael Burns	Ditto	1st Tp. 3rd Brig. H. Arty.	8211	1st August	1856 Ditto	27 13 1	..	27 13 1	..	..	..	..	..	Next of kin unknown.
,,	Amos Merrills	Ditto	4th Co. 6th Battn. Arty.	7731	20th August	1856 Ditto	389 11 1	..	389 11 1	..	..	..	..	..	
,,	John McGrath	Ditto	Ditto	7220	16th August	1856 Ditto	54 6 1	..	54 6 1	..	..	..	..	..	Father, Francis McGrath, Clonmell, Tipperary, Ireland
,,	Richard Connelly	Ditto	Ditto	53	22nd August	1856 Ditto	16 11 5	..	16 11 5	..	..	..	..	..	Two sons, Patrick and Richard Connelly, lately at No 37, Cork Street, Dublin, supposed to have removed to Aungier Street.
,,	Thomas Roberts	Ditto	Ditto	6902	26th August	1856 Ditto	2 3 11	..	2 3 11	..	..	..	..	..	Mother, name not given, supposed to be at Beaumaris, Anglesea, North Wales
,,	William Fogarty	Sergeant	3rd Co. 3rd Battn. Arty.	6142	11th August	1856 Ditto	13 4 0	..	13 4 0	..	..	..	..	..	Mother, Catherine Cusack, Cashel, Tipparary, Ireland.
,,	James Carter	Gunner	2nd Co. 5th Battn. Arty.	8433	16th August	1856 Ditto	30 5 6	..	30 5 6	..	..	..	..	..	Brother, John Carter, Thomas', Bustor, Somerset.
,,	Crighton Hutchinson	Ditto	4th Co. 6th Battn Arty.	7207	26th August	1856 Ditto	10 15 6	..	10 15 6	..	..	..	..	..	Mother, Mary Hutchinson, Glasgow, Lanark, Scotland
,,	Charles Bickley	Ditto	Ditto	3610	25th August	1856 Ditto	21 14 9	..	21 14 9	..	..	..	..	..	Brother, Wm. Bickley, Swadling Coat, Derbyshire.
,,	John Oliphant	Ditto	Ditto	7229	18th August	1856 Ditto	70 15 6	..	70 15 6	..	..	..	..	..	Father, Walter Oliphant, Commission Agent, 34, Marrishal Street, Aberdeen
3rd	Edward Farren	Gunner	Artillery	....	8th November	1856 Ditto	20 12 4	..	20 12 4	..	..	..	..	..	Next of kin, Hannah Farren, mother of the deceased, residing at Mocilla, County Donegal, Ireland.
26th	Joseph Holland	Ditto	2nd Co 1st Battn. Artv.	4942	12th September	1856 Ditto	9 2 4	..	9 2 4	..	..	..	..	..	Next of kin not known.
,,	Thomas Wilkinson	Ditto	2nd Co. 6th Battn. Arty.	5592	19th June	1856 Ditto	82 3 1	..	82 3 1	..	..	..	..	..	

NON-COMMISSIONED OFFICERS AND SOLDIERS —*(Continued.)*

26th	John Paterson	Drill Corporal	6th Battn. Arty	7239	2nd July	1856	Ditto	38 11 11	..	38 11 11	..	..	..	..	Brother, Charles Paterson, Black Forest, near Port Adelaide, Australia.
,,	Robert Tracy	Gunner	2nd Co. 2nd Battn. Arty.	6018	8th July	1856	Ditto	11 0 0	..	11 0 0	..	..	..	..	Brother, Michael Tracy, Knockboy, Waterford.
,,	William Archer Piggott	Ditto	2nd Co 6th Battn. Arty.	8000	23rd June	1856	Ditto	33 3 6	..	33 3 6	..	..	..	..	Sister, Sarah, (surname not given) Carlton le Moreland, Lincoln.
,,	John Burke	Corporal	Ditto	6521	12th July	1856	Ditto	51 4 6	..	51 4 6	..	..	..	..	Father, Joseph Burke, Ballindreen, Gort Galway, Ireland.
,,	Peter Foley	Gunner	Ditto	5332	29th June	1856	Ditto	22 1 3	..	22 1 3	..	..	..	..	Mother, Jana Foley, Navan Meath, Ireland.
,,	Myles McSweeney	Corporal	Ditto	7789	30th June	1856	Ditto	56 1 2	..	56 1 2	..	..	..	..	Brother, John McSweeney, H. M.'s 52nd. Regiment.
,,	William Marshall	Gunner	Ditto	6177	1st July	1856	Ditto	18 1 6	..	18 1 6	..	..	..	..	Next of kin not known.
,,	Thomas Osbourn	Ditto	Ditto	3826	27th June	1856	Ditto	87 13 4	..	87 13 4	..	..	..	..	Next of kin not known.
,,	Edward Spelman	Ditto	Ditto	7815	8th July	1856	Ditto	23 3 11	..	23 3 11	..	..	..	..	Brother, John Spelman Trim, Meath, Ireland
,,	Alexander Ewing	Private	3rd European Regiment	684	24th October	1856	Ditto	30 12 4	..	30 12 4	..	..	..	..	Father, John Ewing, Barony, Lanark, Scotland.
,,	John Gray	Gunner	2nd Co. 1st Battalion Arty	3412	7th October	1856	Ditto	8 10 11	..	8 10 11	..	..	..	..	Sister, Ellen Gray, St. Catherine's, Middlesex.
,,	Daniel Louny	Acting Corporal	2nd Co. 2nd Battn. Arty.	1621	30th July	1856	Ditto	11 2 10	..	11 2 10	..	..	..	..	Next of kin unknown.
27th	Andrew Doyle	Gunner	4th Co. 5th Battn Arty	5459	7th August	1856	Ditto	35 9 2	..	35 9 2	..	..	..	..	Do. Father, Edward Doyle Wicklow, Baronarick, West Aston.
,,	Robert Pratt	Rough Rider and Farrier Sergeant	No 20 Light Field Battery	3397	7th October	1856	Testate	426 13 4	..	426 13 4	..	..	..	..	Will in favor of mother, Elizabeth Pratt Thorally, New Sexburn, York, and Widow Harriett Pratt, Calcutta.
,,	Anthony McGuane	Corporal	3rd Tp. 2nd Brig H Arty.	5333	28th August	1855	Will	58 4 7	..	58 4 7	..	..	..	..	Legatee, Sister Margaret McGuane, Miltown Mowbray, Clare, Ireland
,,	James Hayes	Gunner	2nd Co. 3rd Battn. Arty	5291	16th March	1856	Intestate	11 0 0	..	11 0 0	..	..	..	..	Brother, John Hayes, Clonkell, Bandon, Cork, Ireland
,,	John Tapsell	Ditto	2nd Tp. 3rd Brig. H. Arty.	4603	6th September	1856	Ditto	69 8 8	..	69 8 8	..	..	..	..	Sister, Julia Fletcher, Seven Oaks, Kent.
,,	John Pearce	Ditto	Ditto	6497	4th September	1856	Ditto	21 3 7	..	21 3 7	..	..	..	..	Mother, Mrs. Benham, Southampton, Hants, England.
,,	John Wood	Ditto	Ditto	8374	5th September	1856	Ditto	17 12 0	..	17 12 0	..	..	..	..	Father, Thomas Wood Morley, Yorkshire.
29th	James Henry Fitz Gerald	Serjeant and Assistant Overseer	3rd Co. 3rd Bat Arty. 6th Division Grand Trunk Road	....	7th November	1856	Ditto	54 13 9	..	54 13 9	..	..	..	..	Widow Louisa FitzGerald, Father in Lincolnshire, Brother in the Bombay Army.
3 d.	Matthew Christie	Unposted Recruit	Artillery	At sea on board the Ship *Marchioness of Londonderry*.	20th October	1855	Ditto	38 3 4	..	38 3 4	..	..	..	..	Left a Widow, Mary Jane Christie, residing in Glasgow, Scotland.
,,	Robert Chalmers	Ditto	Infantry	At sea on board the Ship *Roman Emperor*.	26th September	1855	Ditto	35 4 0	..	35 4 0	..	..	..	..	Next of kin, Robert Howie (Cousin), residing in the Town of Irvine, County of Ayr, Scotland
31st	John Bailey	School Serjeant	Artillery, Division Agra	3159	23rd June	1856	Ditto	106 11 9	..	106 11 9	..	..	..	..	Do. Mother Sophia Bailey, Sutton Bonnington, Nottingham
,,	William Cummings	Gunner	2nd Co. 1st Battn. Arty	8250	17th September	1856	Testate	339 11 3	..	339 11 3	..	..	..	..	Sisters, Jane, Sarah, Agnes, and Esther Cummings; residence not known
,,	Francis Fisher	Ditto	2nd Co. 6th Battn Arty.	7723	29th June	1856	Intestate	143 9 11	..	143 9 11	..	..	..	..	Brother, Edward Fisher, Pawnbroker, Radcliffe Street, Bristol, England.
,,	Robert McIntire	Ditto	1st Co. 5th Battn. Arty	7986	19th January	1856	Ditto	187 2 0	..	187 2 0	..	..	..	..	Father, Patrick McIntire, Cardbay, Donegal, Ireland.
,,	William Conley	Bombardier	4th Co. 3rd Battn Arty.	6011	8th September	1851	Ditto	30 4 6	..	30 4 6	..	..	..	..	Mother Nancy (surname not given) Hamilton Lanark, Scotland.
							Company's Rupees ...	41885 13 5	..	41285 13 5					

E. E. J. I. HARVEY, *Sub-Treasurer.*

FORT WILLIAM;
General Treasury,
The 31st December 1856.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India, in the Mily. Dept.

Opium Notification.

NOTICE is hereby given, that the Second Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall on Tuesday, the 10th February 1857, at 11 A. M., and will comprize 3,655 Chests, *viz.* :—

	Chests.
Behar Opium, ...	2,540
Benares ditto, ...	1,115
Total Chests, ..	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 16th and 25th February 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Monday, the 16th February 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Wednesday, the 25th February 1857.—

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1855-56 will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday, 13th March 1857.	2540	1115	3655
On or about Monday, 13th April ,,	2540	1115	3655
On or about Monday, 11th May ,,	2540	1115	3655
On or about Wednesday, 10th June ,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday 10th August ,,	2540	1115	3655
On or about Friday, 4th September ,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thur day, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2559	1141	3700
	25419	11176	36595

By order of the Board of Revenue,

C. S. BELLI,

Offg. Junior Secretary.

FORT WILLIAM,
The 24th January 1857.

Notification.

THE undersigned is requested to give notice, that the Madras Exhibition will be opened on Monday, the 16th of February 1857, and that articles for transmission to the Exhibition will be received at the Mint until the 5th of February 1857.

J. H. BELL,

Officiating Mint Master.

CALCUTTA MINT,
The 15th January 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾s.) after Mean Noon.

FORT WILLIAM,
The 27th January 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾s.) before Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.*,

Town Major.

FORT WILLIAM,
The 28th January 1857.

Ecclesiastical.

THE Reverend ARTHUR WELLINGTON WALLIS, B. A., Assistant Chaplain at Penang, and the Reverend GEORGE EDWARD YATE, M. A., Assistant Chaplain at St Stephen's Church, Kidderpore, have been appointed Surrogates for granting Episcopal Licences of Marriage.

By desire of the Bishop. Dated at Calcutta, this 2nd day of February 1857.

W. H. ABBOTT,

Registrar and Secretary.

Calcutta University.

MANAGERS, PRINCIPALS, and HEAD MASTERS of Colleges and Schools, not under the direct control of Government and situate in the Presidency of Bengal, including the Burmese Provinces, the Punjab, Oude, and Straits' Settlements, who may desire that the Institutions under their control should be connected by affiliation with the Calcutta University, are requested to forward their applications, without loss of time, to the Registrar, for the consideration of the Senate.

By order of the Vice-Chancellor,

WM. GRAPEL, M. A.,

Registrar.

CALCUTTA UNIVERSITY,
The 30th January 1857.

Notice.

THE Hon'ble Company's Steamer *Fire Queen* will be despatched to Chittagong, Akyab, Rangoon, and Moulmein, at day-light on the morning of Monday next, the 9th instant.

There will be no room for private Freight other than for Specie.

By Order of the Officiating Superintendent of Marine,

H. HOWE,

Secretary.

FORT WILLIAM;
Marine Superintendent's Office,
The 2nd February 1857.

Advertisement of the Soonderbun Commissioner's Office.

NOTICE is hereby given, that the under-mentioned Lots, situated within the limits of the Backergunge and Jessore portions of the Soonderbuns, will be sold at the Station of Burrisaul, by the Soonderbun Commissioner, on Friday, the 20th day of February 1857, corresponding with the 10th Falgoon 1263.

2 The highest bidder will be entitled to the Lots, on depositing, immediately after the Sale the full amount of his Purchase-money, on condition that the Sale is sanctioned by the higher Authorities, otherwise the money will be refunded to the party without interest. On confirmation of the Sale, the Pottah will be drawn up in the name of the Purchaser, under orders of the Government of the 24th September 1853, and will be made over to him after registry at the Office of the Board of Revenue, Lower Provinces; and the Purchaser will become the grantee of the lands under the conditions prescribed in the Pottah save and except such lands as may be required by Government for the manufacture of Salt.

3. It is further notified, that intending Purchasers, who are desirous to inspect the Map of the Lots, or to obtain any information connected with them, and their present condition, can learn the same by attending either personally, or through their Agents, at the Office of the Commissioner of the Soonderbunds at Burrisaul

No of Lot.	Estimated Quantity of Land in Beegahs	Remarks.
Jessore portion of the Soonderbuns.		
241	5414	These Lands are situated to the South of Titeeboneah, on the Kurmah River.
242	25894	Ditto ditto ditto
243	4840	On the Bholah River.
244	13733	On the Chechan River.
245	11797	On the Sêllah River.
246	13701	Near the Bholah River.
247	10666	On the Pussur River.
248	11909	To the West of Lot 247.
249	7441	To the West of Lot 248.
250	12183	To the South of Lots 248 and 249.
251	16728	To the West of Sêllah River.
Backergunge portion of the Soonderbuns.		
Nos 4 and 5 of Khauleah, Burrisaul	69772	The boundaries of these two Lots have been readjusted so as to give both a River facing on the Bulissur River A Map showing their respective boundaries may be seen at the Commissioner's Office The two Lots will be sold separately, their respective arrears will be notified on the day of Sale. The cultivated portions of these Lots to be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No 6 of Khauleah, Burrisaul ...	36995	The cultivated portions of these Lots will be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No 7 of Khauleah, Burrisaul ...	47150	On the Bulissur River
Panchakaraleah, on the Hah River ...	6760	The cultivated portions of this Lot will be included in the Grant after assessment, under Rule 4 of the Government Orders of the 24th September 1853.
Chando Khallee East of above Lot	8120	Ditto.
Rochoopatra, West of above Lot ..	10820	On the Neelgunge River.

J H. Reily,
Commissioner of Soonderbuns.

Soonderbun Commissioner's Office,
Burrisaul,
The 26th January 1857.

শুন্দরবনের কমিশ্যনরের দপ্তরখানার ইস্তেহার।

ইহার দ্বারায় সৎবাদ দেওয়া যাইতেছে যে মহামান্য শদর বোর্ডের আদেশমতে জেলা জসর ও বাকরগঞ্জের অধিন শুন্দরবন সৎক্রান্ত নিম্নর লিখিত লাটহায়ের পাট্টা জেলা বাকরগঞ্জের বরিসাল মোকামে শুন্দরবন কমিশ্যনরের বৈঠকে ইৎরাজী সন ১৮৫৭ সালের ২০ ফিবুআরি মোতাবকে সন ১২৬৩ সালের ১০ ফালগুণ শুক্রবার বেলা দুই প্রহরের সময় নীলাম হইবেক যে অতি উচ্চ মূল্যে ডাকে তিনি লাট পাইবেন তৎক্ষণাৎ খরিদের সমুদয় মূল্য কমিশ্যনরকে দিতে হইবেক পরে গবর্ণমেন্টের সন ১৮৫৩ সালের ২৪ সেপ্তম্বর দিবসীয় ঝলাইজাই পাট্টা তাহার নামে প্রস্তুত হইয়া শদর বোর্ড রেবিনিউর মঞ্জুরিমতে তাহাকে দেওয়া যাইবেক এবৎ শরকারের ভবণ প্রস্তুত জন্য ঐ লাটহায়ের মধ্যের কিছু জমি লওয়ার প্রয়োজন হইলে তাহা ছাড়িয়া দিবার নিয়ম পাট্টায় লেখা যাইবেক পরন্তু খরিদার মজকুর ঐ পাট্টার লিখিত নিয়মাহসারে জমিতে দখলকার হইয়া রাজস্য আদায় করিবেক এবৎ আরো জানান যাইতেছে যে খরিদাকাঙ্খিত ব্যক্তিগণ কেহ ঐ জমির নকশা দেখিতে চাহিলে স্বয়ৎ কিম্বা মোক্তারের দ্বারায় কমিশ্যনরের উক্ত মোকামের বৈঠকে যাইয়া দেখিতে পারেন এবৎ নীলামের অপর বেওরা নীলামের সময় প্রকাশ করা যাইবেক আর যদিস্যাৎ এই নীলাম বোর্ড রেবিনিউর হজুরে মঞ্জুর না হয় তবে খরিদার পোনের টাকা বিনা শুদে ফেরত পাইবেক ইতি সন ১৮৫৭ সাল তারিখ ২৪ জাহআরি মোৎ বাঙ্গলা ১২৬৩ সাল ১২ মাঘ।

লাটের নম্বর ও নাম	আন্দাজি জঙ্গল জমী	কৈফিয়ৎ
জেলা জশরের মোতালক		
২৪১ নৎ	৫৪১৪/০	টাটী বুনিয়ার দক্ষিণ খড়মা নদীর কেনারা
২৪২ নৎ	২৫৮৯৪/০	ঐ ঐ
২৪৩ নৎ	৪৮৪০/০	ভোলা নদীর নিকট
২৪৪ নৎ	১০৭৩৩/০	চেচান নদীর ধারে
২৪৫ নৎ	১১৭৯৭/০	সেলা নদীর ধারে
২৪৬ নৎ	১৩৭০১/০	ভোলা নদীর নিকট
২৪৭ নৎ	১০৬৬৬/০	পশর নদীর নিকট
২৪৮ নৎ	১১৯০৯/০	উক্ত লাটের পশ্চিমে
২৪৯ নৎ	৭৪৪১/০	ঐ লাটের পশ্চিমে
২৫০ নৎ	১২১৮৩/০	২৪৮ নৎ ও ২৪৯ নৎ লাটের দক্ষিণ
২৫১ নৎ	১৬৭২৮/০	সেলা নদীর পশ্চিমে
জেলা বাকরগঞ্জের মোতালক		
চক্ খাউনিয়া বরিসালের ৪।৫ নৎ	৬২৭৭২/০	এই দুই লাটের সাবেক সীমানা বদল করিয়া নূতন সীমানা দেওয়া এইরূপে গীয়াছে যে দুই লাটের ভূমীই বলেশ্বর নদীর কেনারায় পতন হইয়াছে ঐ দুই লাটের পৃথকৎ ভূমীর ও সীমানার নিরাকরণ নীলামের সময় সকল খরিদারানকে জ্ঞাত করাণ যাইবেক এবৎ ইহার মধ্যে যে জমী হাসীল আছে তাহা সন ১৮৫৩ সালের ২৪ সেপ্তম্বর তারিখের ঝলের ৪ বিধিমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামিল করা যাইবেক।
ঐ ৬ নৎ	৩৬২৯৫/০	বলেশ্বর নদীর ধারে ইহার হাসীল জমী উপরের লিখিত ঝলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সা'মল করা যাইবেক।
ঐ ৭ নৎ	৪৭১৫০/০	বলেশ্বর নদীর ধারে।
পচা কোড়ালিয়া	৬৭৬০/০	আয়েনা নদীর ধার ইহার হাসীল ভূমী উপরের লিখিত ঝলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামীল করা যাইবেক।
চান্দখালি	৮১২০/০	ঐ চকের পূর্ব্ব দিগ ঐ কৈফিয়ৎ।
কচু পাতড়া	১০৮২০/০	ঐ লাটের পূর্ব্ব নীলগঞ্জ নদীর ধারে ঐ কৈফিয়ৎ।

Notification.

No. 43.

BABOO RAMGOPAUL GHOSE, Uncovenanted Deputy Collector, received charge of the Bullooah Treasury on the 23rd ultimo.

G. G. MACKINTOSH,
Accountant to the Govt. of Bengal.

FORT WILLIAM,
Office of Acctt. to the Govt of Bengal.
The 3rd February 1857.

PROBATE of the last Will and Testament of *Edward William Ravenscroft*, late of Chunar, in the Upper Provinces of India, a Lieutenant in the Military Service of the Honorable the East India Company, on their Bengal Invalid Establishment, deceased, having been this day granted by Her Majesty's Supreme Court of Judicature at Fort William in Bengal, in its Ecclesiastical jurisdiction, to *Caroline Ravenscroft*, of Chunar, aforesaid, the Widow and the sole Executrix named in and appointed by the said Will of the said deceased—all persons having demands against the said Estate are requested to make the same known to the said Executrix and those indebted thereto are requested to pay their respective debts to her forthwith.

TEMPLETON & CARAPIET,
Proctors.

Calcutta,
31st January 1857.

Sheriff's Office, the 7th January 1857

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Wednesday, the Fourth day of February next, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

শরিফ আফিস ৭ জেনুআরি ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ৪ ফেব্রুআরি বুধবার দুই প্রহরের সময় কলিকাতার ফোটউইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোট উইলএমের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটী অর্থাৎ মহ সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ সিছিল করিবেন।

এই সেশীয়ান যতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,
Sheriff.

Sheriff's Sale; Calcutta, 4th February 1857.

NOTICE is hereby given, that on Thursday, the Twenty-sixth day of February instant, at the hour of 12 o'clock, the Sheriff of Calcutta will put up to public Sale, at the Court House, by virtue of two several Writs of *Fieri Facias* in his hands against the Effects of Moodoosoodun Modock:—

The Right, Title, and Interest of the said Modoosoodun Modock, of, in, and to the following landed property, *viz.*:

1.—A partly upper and partly lower-roomed brick-built family dwelling-house, with a piece of land thereunto belonging, containing by estimation six cottahs, more or less, situate at Haralah, in Pergunnah Habelee, and in the Zillah of Burdwan.

2.—Also a piece of land, with brick wall on two sides, containing by estimation six cottahs, more or less, situate at the same place.

3.—Also a piece of Nackrauj land, containing by estimation five cottahs, more or less, situate at the same place.

4.—Also a piece of land, surrounded by mud wall, about 2,500 bricks lying on it, containing by estimation seven cottahs, more or less, situate at the same place.

5.—Also a piece of land, containing by estimation one biggah, more or less, situate at the same place.

6.—Also a piece of land, containing by estimation twelve cottahs, more or less, situate at the same place.

7.—Also a piece of land, containing by estimation fifteen cottahs, more or less, situate at the same place.

8.—Also about sixty thousand bricks, lying on the rented land of Sittanath Ghose, situate at she same place, the property of the said Modoodoodun Modock.

9.—Also two Tucktaposes, four Chests, two Barkoses, three Boxes, one Trunk, and one Table, lying on the rented house of Ruijkisto Sett, situate at Moyrahputty, in Burra Bazar, in the Town of Calcutta, the property of the said Modoosoodun Modock.

The Conditions of Sale may be known by applying at the Sheriff's Office.

H. E. BRADDON,
Sheriff.

Supreme Court of Judicature at Fort William in Bengal.

RECEIVER'S OFFICE.

IN EQUITY.

Doorga Churn Dutt,
versus
Juggernathpersaud Mullick and others.

NOTICE is hereby given, that on Saturday, the 14th day of February 1857, at one o'clock in the afternoon, Charles Swinton Hogg, Esquire, Receiver of the Supreme Court, will put up at his Office for Lease, the under-mentioned Villages and Lands, &c., &c., belonging to the Defendant above-named, upon such terms and conditions and upon such security as he may think fit, that is to say—

In Zillah Hooghly.

Six annas part or share of four several Mohattran Villages called or known by the respective names of Jhorehaut, Augorie, Proshoto, and Haut Rauzgunge, situate in Pergunnah Anisah

Eight annas part or share of a certain Garden, with appurtenances, and the piece of land thereunto belonging, situate in Jhorehaut, in Pergunnah Anisah.

Eight annas part or share of several pieces of Mohattran Lands, situate in three several Villages called or known by the respective names of Jhorehaut, Augorie, and Proshoto, in Pergunnah Anisah

Eight annas part or share of the two several Ghauts of Surrussutty Nuddy, situate in the Village of Jhorehaut, in Pergunnah Anisah.

Eight annas part or share of a certain Ghaut of Kattee Gungah, situate in the Village of Haut Rauzgunge, in Pergunnah Anisah.

Eight annas part or share of the Khaul called Basdebpore Khaul, situate in the Village of Basdebpore, in Pergunnah Anisah.

Eight annas part or share of several pieces of Mohattran Lands, situate in a certain Village called Jottabagundah, either in Pergunnah Bossundary Anisah or Mundul Ghaut.

In Zillah 24-Pergunnahs.

Eight annas part or share of a certain Garden with appurtenances, together with the Churrah of Mossinah Khaul, and the piece of land thereunto belonging, situate at Mirzapore, in Pergunnah Moozaferrah.

Eight annas part or share of the several pieces of Mohattran Lands, situate in six Villages, called or known by the respective names of Mirzapore, Jaughpore, Ramchunderpore, Sankrell, Banoopore, and Dawcoah, all situate in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in Village Chuckgobindpore, in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in a certain Village called Andool, in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in several Villages called or known by the names of Rogoonathpore, Moosgoote, otherwise called Nyah Chuck Coosberriah and Kismut Banoopore within Augorie, in Pergunnah Moozaferrah.

Eight annas part or share of a Village called by the name of Mirzapore otherwise called Gor Mirzapore, in Pergunnah Moozaferrah.

For further particulars, apply at the Receiver's Office, Supreme Court.

RECEIVER'S OFFICE; COURT HOUSE,
The 27th January 1857.

Report showing the smallest Depth of Water in the Bhaugiruttee, Jellinghee, and Matabangah Rivers, on the 22nd January 1857.

Names of Rivers.	*Smallest Depth of Water.* F.	I.	*Where Shallowest.*
*Bhaugiruttee River.**	—	—	
At its entrance, ...	9	0	
Below the entrance, .	4	0	
From thence to Jungypore, ...	0	3	At Futtaypore.
	0	3	„ Autpulgachee.
From Jungypore to Sadduckbaugh...	1	2	„ Sampore.
From Sadduckbaugh to Berhampore, ...	2	3	„ Ahmaneegunge.
	2	0	„ Berhampore.
From Berhampore to Cutwa, ...	2	0	„ Jalaulpore.
	1	7	„ Manickdee.
And from Cutwa to Nuddea ..	2	6	„ Kobeerajepore.
	2	6	„ Khosaulpore.
Jellinghee River			
At its entrance, ..	0	0	Closed.
From thence to Bansmarree, ...	0	0	
From Bansmarree to Teeahkattah,	0	2	At Koobleah.
From Teeahkattah to Sonatullah, ...	1	3	„ Radhanugghur.
And from Sonatullah to Mougunge,	2	0	„ Sonatullah.
Matabangah River †			
At its entrance, ...	4	3	
From thence to Haut Boleah, ...	2	8	At Sodasibpore.
	3	0	„ Malleeparah.
	4	6	At Boleah Entrance.
From Haut Boleah to Katchikattah, ...	1	10	„ Bhaugberriah.
	1	10	„ Bansberriah.
	2	0	„ Gyegattah.
	1	10	„ Asmancolly.
	1	11	Above Foolbogadhee
From Katchikattah to Kishengunge,	2	3	At Gwalbattee.
	2	0	Below Boalmarree.
	2	4	At Howlee.
	2	4	„ Bastoopore.
	2	0	Below Soobulpore.
	2	6	At Doorgahpore.
And from Kishengunge to Seebpore	3	0	„ Hurdum.

Height of water on Gauge at Berhampore, on the 22nd January 1857, + 1 Foot 10½ Inches.

H. T. FORBES, *Lieut.*,

Supdt., Nuddea Rivers.

Matabangah Entrance,
28th January 1857.

Since last Report, the Channel of this River, below Foolbogadhee, has been deepened by the construction of Bandahls form 1' 9" to 1' 11", at Gwalbatty from 1' 10" to 2' 3", at Howlee from 2' to 2' 4", and at Bastoopore from 2' 1" to 2' 4".

Notice.

SEALED TENDERS for watering the Roads in the Garrison of Fort William, for 3½ months, that is, from the 15th February to 31st May 1857 (more or less), will be received in the Office of the Garrison Engineer until the 10th instant, Tuesday.

All further information may be obtained by applying personally to the Garrison Engineer, between the hours of 11 and 4 daily.

CHARLES J. HODGSON, *Captain*,
Garrison Engineer.

FORT WILLIAM,
The 2nd February 1857.

NOTICE is hereby given, that an Examination will be held on Tuesday, the 24th February 1857, for the purpose of testing the acquirements of Candidates for Certificates of qualification as Regimental Moonshees and as Teachers of the Unpassed Civil Servants, according to General Orders by the President of the Council of India, dated 9th October 1850, and the Government Notification, dated the 24th January 1854, respectively.

Candidates are requested to send in their applications stating the language or languages to be passed in, on or before the 21st proximo.

By order of the Board of Examiners,

E. ST. GEORGE, *Captain*,
Offg. Secy. to the Board of Examiners.

BOARD OF EXAMINER'S OFFICE ;
No. 1, Little Russell Street,
The 29th January 1857.

اشتهار داده میشود

که حسب الحکم جنرل آرڈر مورخهٔ نهم اکتوبر سنه ۱۸۵۰ ع وموافق حکم گورنمنٹ مورخهٔ بست وچهارم جنوري سنه ۱۸۵۴ ع امتحان امیدواران عهدهٔ منشیگري پلٹن وتدریس صاحبان اهل قلم در بورڈ آف اِکزامنرس بتاریخ بست وچهارم ماه فبروري سنه حال روزمه شنبه مقرر گردیده است هرگزا امتحان دادن منظور باشد باید که تا بست وبکم ماه مذکور قطعه درخواست نامه بقید زبان یعني درکدام زبان امتحان خواهند داد نوشته نزد سکرٹري بورڈ مذکور بگذراند • تحریرفي التاریخ بست ونهم جنوری سنه ۱۸۵۷ ع

واضح باد که دفترخانهٔ مذکور در لیٹل رسل اسٹریٹ چورنگي واقع است

By order of the Board of Examiners,

E. ST. GEORGE, *Captain*,
Offg. Secy. to the Board of Examiners.

Agra and United Service Bank.

NOTICE.—MR. MACKINTOSH BALFOUR is authorised to sign for the Secretary.

By order of the Directors,

FRANCIS R. NEILSON,
Secretary.

CALCUTTA,
31st January 1857.

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,
No. 2, Council House Street, *Secretary.*
Calcutta. 30th January 1855.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions

If to be remitted through the Corporation,	...	Without charge.
If to be paid in India, a Commission will be charged of	..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody,	...	1-4th per Cent
On the purchase of Government or other Securities,	...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation,	...	Without charge

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION ;
Calcutta, 29th January 1855.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND CO., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.
THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

With reference to the above, I have admitted into Co-partnership MR J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND CO., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

Notice.

THE interest and responsibility of MR. ALEXANDER WALLACE ceased in our firm on the 10th December 1856.

(Signed) HENDERSON WALLACE & CO.

Notice.

THE Acts and Published Papers of the Legislative Council are sold at the Military Orphan Press.

THE heirs of the late Mr. Christian Graf, having this day relinquished their interest in the firm of GRAF and BANZIGER, the business will henceforth be carried on by me under the same firm and on my sole account.

WM. KRAHNSTÖVER.

Calcutta, 1st January 1857.

LOST.—The Government Promissory Notes, No. 4167, of the 5 per Cent. Public Works Loan, dated the 12th day of March 1855, for Company's Rupees 5,000, originally standing in the name of the Oriental Bank Corporation, and No. 1560 of 20206, of the 6th 4 per Cent. Loan, dated 30th June 1854, for Company's Rupees 1,000, originally standing in the name of Gungagobind Shaha, both of which Notes were lost, endorsed by the proprietor, Captain R. D. C. Bruce, now of Her Majesty's 82nd Regiment of Foot, to J. J. Bailey, Esquire, Ensign in Her Majesty's 29th Regiment of Foot, by whom they were never endorsed to any other person. Payment of the above Notes and of interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the proprietor.

PAUL & CARRUTHERS,
Solicitors for Captain Bruce.

CALCUTTA;
8, *Hastings' Street,*
The 24th November 1856.

LOST.—The second-half of a Bank of Bengal Note, No. 03159, for Rupees 25, payment of which has been stopped at the Bank.

LOST.—A Half of Bank of Bengal Note, No. 15623, for Company's Rupees 20, payment of which has been stopped at the Bank.

LOST.—A Half of a Bank of Bengal Note, No. 35511, for Rs. 100, the payment of which has been stopped at the Bank.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

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CONTENTS.

PART I.—ALMANAC.
II.—MILITARY DIRECTORY & ARMY LIST.
III.—CIVIL DIRECTORY.
IV.—MARINE DIRECTORY.
V.—LAW DIRECTORY.
VI.—ECCLESIASTICAL DIRECTORY.
VII.—COMMERCIAL DIRECTORY.
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IX.—MOFUSSIL DIRECTORY.
X.—STREET DIRECTORY AND ALPHABETICAL LIST OF INHABITANTS.
XI.—POST OFFICE, POLICE, CONSERVANCY, RAILWAY AND TELEGRAPH ACT, OF THE LEGISLATIVE COUNCIL—AT PRESENT IN FORCE.
SHIPPING ARRIVALS AND DEPARTURES FOR 1856.
DOMESTIC OCCURRENCES FOR DITTO.
ADVERTISEMENTS.

SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notification.

No. 1810.

OVERLAND MAIL.

THE Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon and Aden, per P. and O. Co.'s Steamer *Bengal*, will be closed at this Office on Saturday, the 7th proximo.

1*st*.—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories directed *viâ* Great Britain and Marseilles as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd*.—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd*.—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles or *viâ* Trieste, and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th*.—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th*.—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*.—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th*.—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th*.—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th*.—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th*.—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th*.—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwhich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th*.—Only one paper can be sent in one cover.

C. K. DOVE
Deputy Post-master General.

FORT WILLIAM;
General Post Office,
The 27th January 1857.

No. 1809.

NOTICE is hereby given, that the Mails for Madras, Ceylon, Mauritius, Cape of Good Hope, St. Helena, Ascension, and London, for transmission per Mail Contract Steamer *Robert Lowe*, will be closed at this Office, on Saturday, the 14th proximo.

Pre-payment on Letters to Madras, Ceylon, and London, is optional; but Letters for Mauritius, Cape of Good Hope, St. Helena, and Ascension, must be pre-paid at the following rates:

½ Ounce	...	0	4	0
1 „	...	0	8	0
2 „	...	1	0	0

So on, adding 8 annas for every Ounce or a fraction of an Ounce.

Newspapers and Price Currents must be pre-paid 9 Pie each, and when posted at a Mofussil Post Office, the Inland Indian Postage must be pre-paid in addition to Steam Postage.

Newspapers and Price Currents for Great Britain, when posted at Calcutta, cannot be pre-paid.

Only one paper can be sent under one cover.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA;
General Post Office,
the 29th January 1857

No 1842.

NOTICE is hereby given, that the Mails for Chittagong, Arracan, Rangoon, and Moulmein, for transmission per H C. Steamer *Fire Queen*, will be closed at this Office on Saturday, the 7th instant.

FORT WILLIAM;
General Post Office,
The 3rd February 1857.

C. K. DOVE.
Deputy Post-master General.

Post Office Notification, showing the Date and Hour of Arrival of the Mails at the General Post Office, and the time occupied in sending the Letters and Papers out for delivery.

Name of the Steamer.	Date and Hour at which the Mails arrived at the General Post Office.	Date and Hour at which the Window delivery commenced.	Hour of conclusion of the Window-delivery.	REMARKS.
Hindostan, ...	2nd Feb 1857, at 5¾ P M	8¾ P M ...	9¾ P M.	

CALCUTTA;
General Post Office,
The 3rd February 1857

C. K. DOVE,
Deputy Post-master General.

POSTAL NOTICE

The Public are informed, that the *Transit* rate of Postage on letters conveyed to, and from, England and India *viâ Marseilles*, is reduced from 5 to 3 pence per ½ oz, as shown by the following Table:

WEIGHT.	Combined British and Indian Rate.	Additional or Transit Charge through France.	Total Charge.
	Rs. As P.	Rs. As P.	Rs. As P.
Not exceeding ¼ of an Ounce	0 4 0	0 2 0	0 6 0
Not exceeding ½ of an Ounce	0 4 0	0 4 0	0 8 0
Not exceeding ¾ of an Ounce	0 8 0	0 6 0	0 14 0
Not exceeding 1 Ounce	0 8 0	0 8 0	1 0 0

And so on, adding 2 Annas for every quarter of an ounce, in addition to the combined British and Indian rate chargeable on the letter.

A corresponding reduction is also made in the Postage on all pre-paid letters forwarded through the United Kingdom to British Colonies, or Foreign Countries, when sent to the United Kingdom *viâ Marseilles* It is to be observed, however, that the Postage, so paid, does not include the Postage between the United Kingdom and the British Colonies or Foreign Territories.

Her Majesty's Post Master General has intimated, that the charges upon letters conveyed directly between France and India, *viâ Egypt*, have been reduced, but in future, will be *levied in France* and *not in India* All such letters, however whether on despatch, or receipt, will be subject to Inland or Indian Postage, excepting when posted, or received, at the Presidency Town Post Offices, in accordance with Clause VI. of the Post Office Act of 1854.

G. PATON,
Offg. Director General of the Post Office in India.

The 29th January 1857.

No. 1836.

Notification.

Table showing the New Rates of Steam and Inland Postage on Letters, &c., forwarded by H. M.'s Mail Contract Steamers.

Names of Places.	Route.	Letter.	Newspapers or Price Current.	Rates of Postage on Letters.
Great Britain ...	Viâ Marseilles ...	... ...	Free ...	Not exceeding ½ oz. 0 6 0
United States ...				Exceeding ½ oz. & not exceeding ½ oz. 0 8 0
West Indies not a British Colony or to any Foreign Territories ...	Viâ Marseilles and the United Kingdom ...	Pre-payment optional	3 Pence 2 As.	„ ½ oz. „ ¾ oz. 0 14 0 „ ¾ oz. „ 1 oz. 1 0 0 And so on, eight annas being added for every additional ounce or fraction of an ounce, and two annas French Postage for every additional quarter of an ounce, which includes Inland postage.
West Indies or to any British Colonies ...				
Canada or British North America ...	Viâ do. and the United States	... ...	4 Pence 3 As.	
Great Britain ...	Viâ Southampton	Ditto ...	Free ...	Not exceeding ½ oz. 0 4 0
Ditto ...	Viâ Trieste, ...	Must be prepaid ...	One Penny (9 pie) steam postage must be pre-paid*	Exceeding ½ oz. & not exceeding 1 oz. 0 8 0 And so on, adding 8 annas for every ounce or fraction of an ounce, which includes Inland postage.
United States West Indies or Foreign Territories ...	Viâ Southampton	Cannot be prepaid ...	1 Penny 9 Pie.*	
Canada or British North America ...	Viá do. and United States	Ditto ...	2 Pence 1 As. 6 P.	
Malta Gibraltar ... Ionian Islands ... Australian Colonies Mauritius or any British Colony, the route to which does not lie through Great Britain ...				
China (except Hong-Kong) ... Macao ... Canton ... Manilla ... Batavia ... Java ... Bourbon or any Foreign Ports, the route to which does not pass through Egypt	Viâ Galle ...	Must be prepaid ...	1 Penny 9 Pie*	Ditto.
Madras ... Ceylon ... Bombay ... Aden ...	Direct ...	Optional ...	Ditto* ...	Ditto.
Penang ... Singapore ... Malacca ... Hong-Kong ...	Viâ Galle ...	Ditto ...	Ditto* ...	Ditto.

Old Rates of Postage are applicable to the following Places and at the following Rates.

Names of Places.	Route.	Letters.	Newspapers or Price Current.	Rate of Postage on Letters.
France ...	Viâ Egypt, ...	Steam postage cannot be pre-paid	Steam postage cannot be pre-paid†	When posted at a Mofussil PostOffice, or for the After-packet, the Inland postage must be pre-paid.
Trieste ... Austria ... Alexandria ... Cairo ... Suez ... Places in Egypt or to any Foreign Port viâ Egypt ...	... ...	Must be pre-paid ...	1 Penny 9 pie*	Not exceeding ½ oz. 0 8 0 Exceeding ½ oz. & not exceeding 1 oz. 1 0 0 Exceeding 1 oz. & not exceeding 2 oz. 2 0 0 And so on, adding one Rupee for every ounce or fraction of an ounce, besides Inland postage when posted at Mofussil Offices or posted for an After-packet.
Foreign Europe ...	Viâ Marseilles or Trieste	Ditto ...	Ditto* ...	

* To be paid in Cash when Stamp cannot be used, the postage is compulsory, and more than one Paper cannot be sent under one cover.

† Applicable to Price Current, Periodicals, Works stitched or bound, Books, Pamphlets, Sheets of Music, Catalogues, Prospectus, Announcements, and Notices of various kinds.

N. B.—Besides the Steam Postage entered in the Column for Newspapers and Price Current, an Inland Postage will be necessary when such papers are posted at Mofussil Post Offices, or when posted for an After-packet.

CALCUTTA;
General Post Office,
The 2nd February 1857.

C. K. DOVE,
Deputy Post-master General of Bengal.

CALCUTTA:—*Printed and Published by* JOHN GRAY, *at the* "CALCUTTA GAZETTE" OFFICE, *No.* 54, *Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 4, 1857.

Land-Sale Notices.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Jessore will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 10th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857 :—

Class I.—Permanently-settled-Estates.

No. 873.—Kismut Chandpore, Pergunnah Nuldee ; recorded proprietor, Kundurpo Sein, under the possession of Doorgapersaud Sein, Prannath Bagchee, and Deep Chund Bhadooree ; sudder jumma, rupees 45-13-4.

No. 1046.—Kismut Bangat, Pergunnah Havelly ; recorded proprietors, Lukhikanth Sein and Sumbboo Chunder Roy, under the possession of Kistoram Sein ; sudder jumma, rupees 16-12-10.

No. 1079.—Kismut Poredea, Pergunnah Havelly ; recorded proprietor, Roodro Ram Dutt ; sudder jumma, rupees 10-0-11.

No. 1170.—Kismut Luskerdea, Pergunnah Havelly ; recorded proprietors, Romakant and Petumber Mitters ; sudder jumma, rupees 28-5-4.

No. 1378.—Kismut Talma, Pergunnah Havelly ; recorded proprietor, Syud Sudderuddee ; putneedars, Syud Chand and Syud Noaee ; sudder jumma, rupees 10-4-6.

No. 1961.—Kismut Pauchoee, Pergunnah Shantore ; recorded proprietor, Ramkisto Punchanun, under the possession of Jogodish Chuckerbutty ; sudder jumma, rupees 10-9-4.

No. 1997.—Kismut Pauchoee, Pergunnah Shantore ; recorded proprietor, Rammonee Dabbea ; sudder jumma, rupees 10-3-2.

No. 3386.—Kismut Baleaghatta, Pergunnah Tarragoonia (resumed lakhiraj) ; recorded proprietors, Nimanund, Bhoyrub Chunder, and Gooroo Churn Roys ; sudder jumma, rupees 48-2-0.

No. 3459.—Kismut Keshubpore, Pergunnah Jangeerabad (resumed lakhiraj) ; recorded proprietors, Teluck Chunder, Radhamohun, Kristo Dhun, and Manghun Chunder Moitres ; sudder jumma, rupees 38-11-3.

No. 4216.—Kismut Secunderpore, Pergunnah Goherpore (resumed lakhiraj) ; recorded proprietor, Dhorony Dhur Bose ; sudder jumma, rupees 19-2-0.

No. 4345.—Kismut Jonardunpore, Pergunnah Syudpore (resumed lakhiraj) ; recorded proprietors, Juggutram, Debeepersaud and Ramnarain Bhuttachargees, and Ramnath Bachusputtee, and others ; sudder jumma, rupees 34 15-7.

JESSORE COLLECTOR'S OFFICE, *The 22nd January* 1857.

ALI AHMUD,
Uncovenanted Deputy Collector, in charge of the Treasury.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Chittagong, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Tuesday, the 17th February 1857, or 7th Falgoon 1263 B. S., for Arrears of Revenue :—

Class VI.—To be sold for the realization of Butwarrah Expenses.

No. 14.—Turruff Anundeeram. The shares of Rammoney, Traheeram, Radharam, Ramgutty, Mohobut Ally, Abool Foeuz, Taz Mahomed, Jebun, Kumer Ally, Jamal, Moozafur, Yasin, Monoo, Mozuroollah, and Obhoychurn Chowdry, who have not paid the Butwarrah expenses of their respective shares, will be sold. The entire sudder jumma of the Mehal is rupees 123-4-6.

Class I.—Permanently-settled Estates.

No. 44.—Turruff Anundee Manoollah ; proprietor, Ramchunder Dey ; sudder jumma, rupees 1,160-0-3.

No. 48.—Turruff Jyenoollah Joomrood ; proprietors, Abool Foeuz, Sreemuttee Poran Bebee, and Azeezurnissah ; sudder jumma, rupees 214-2-6.

No. 242.—Turruff Gobindokanto, exclusive of the shares of Kasheechundro, Hurgobindo Gooho, Radhakishno Gooho, Sreemuttee Shoyesonee, Esshuree, and Shostecchurn Gooho, whose Estates are under Butwarrah, and paid their shares ; the remaining shares will be sold. The entire sudder jumma of the Mehal is rupees 151-0 9.

No. 512.—Turruff Romonchand Deang; proprietors, Chundeechurn, Tarneechurn, Bysnubchur a Kebulram, Neelmoney, Eshanchunder, and Kishnochunder Roy; sudder jumma, rupees 340-11-0.

No. 541 —Turruff Rajdoollub; proprietors, Ramshurn, Kishnochurn, and Ramruttun Chuckerbutty; sudder jumma, rupees 346-1-6.

Class VI.—To be sold for the realization of Butwarrah Expenses.

No. 563.—Turruff Shacheeram Canongoe, the shares of Ashruff Jemadar, Shamèd Ally, Shodaram Canongoe, Bux Ally, and Jan Ally, who have not paid the Butwarrah expenses of their respective shares, will be sold. The entire sudder jumma of the Mehal is rupees 859-8-8.

Class I.—Permanently-settled Estates.

No. 615.—Turruff Ally Shayem; proprietors, Alleemurdun, Shamut Allee, Jinnut Ally, and Aqbur Ally Khan; sudder jumma, rupees 93-5-9.

No. 739.—Turruff Akeel Mahomed; proprietor, Mahomed Dyme Nazir; sudder jumma, rupees 60-10-3.

No. 1750.—Talook Janoollah Afzul; proprietor, Ibrahim; sudder jumma, rupees 56-0-3.

No. 3116.—Turruff Mouza Seekul Baha; proprietors, Oomrao Sing, Indro Sing, and Gujraj Sing; sudder jumma, rupees 300-0-0.

Lakhiraj-resumed Mehal.

No. 4512.—Talook Eshanchunder Canongoe, Oomachurn Canongoe, and Sreemuttee Bishesuree; proprietor, Sreemuttee Hallununissa; sudder jumma, rupees 60-14-6.

CHITTAGONG COLLECTOR'S OFFICE,
The 19th January 1857.

S. F. DAVIS,
Officiating Collector.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Patna, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th February 1857, or 5th Phagoon 1264 F. S., for Arrears of Revenue:—

Class I.—Permanently-settled Estates.

No. 38.—Mehal Bansbigha, Pergunnah Tilhara; recorded proprietor, Juyperkas Sing; sudder jumma, Rupees 224-0-0.

No. 55.—Mehal Chuck Chundasee, Pergunnah Biswunk; recorded proprietors, Musst. Suddoe, Kunhoololl, and Nijabut Hosen Khan; sudder jumma, rupees 59-2-11.

No. 103.—Mehal Futtehpore Kullan, Pergunnah Azeemabad; recorded proprietor, Baboo Byjnath Suhoy; sudder jumma, rupees 299 13-6.

Class IV.—Estates to be sold for Arrears due on account of other Estates.

No. 181.—Rights and Interests of Petumber Sing in Mouzah Chynpore, Tuppeh Muckra, Pergunnah Gyaspore; recorded proprietors, Rampershad Sing, Ishree Dutt, Baydah Sing, Peetumber Sing, and Musst. Mungerdayee Cour; sudder jumma, rupees 342-6-5.

No. 191.—Rights and Interests of Peetumber Sing uz Ruqbeg Ullawan, Pergunnah Pelitch; recorded proprietor, Peetumber Sing; sudder jumma, rupees 55-3-4.

No. 569.—Rights and Interests of Peetumber Sing in Mouzah Kalleeanpore Bhugwan, Pergunnah Gyaspore; recorded proprietors, Peetumber Sing, Lakhun Sing, and Mahadeo Sing; sudder jumma, Rupees 68-0-0.

PATNA COLLECTORATE,
The 20th January 1857.

C. LINDSAY,
Assistant Collector in Charge.

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Bhaugulpore, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Thursday the 12th February 1857, or 4th Fagoon 1264 F. S., for Arrears of Revenue:—

Class I.—Permanently-settled Estates.

No 6.—Mehal Talooka Buder Allumpoor, Pergunnah Bhaugulpore; recorded proprietors, Girdharee Lall, Mudun Thakoor, Aurnarain Chowdry, Brij Mohun Thakoor, Saudut Khan, Zukeeoodin Ahmud, Riza Allee Khan, Torabool, Ekdam Khan, Neetyanund Jha, Beebee Tukeekah, Sheikh Rujjub Ally, Buratee Sah, Ram Kurn Coowar, Chundranee Koowar, Chohara Sahoon, Sona Sahoon, Chowdry Fukeer Bux, Jogee Roy, Hunsraj Roy, Radhey Roy, Mukhun Lall, Gujrae Sing, Taleyber Sing, Pershaud Sing, Kukoo Roy, Bydnath Dutt Jhah; sudder jumma rupees 1,344-8-9¼. This Mehal consists of 30 Mouzahs, out of which 1 Mouzah, Parbuttee, belonging to the Zemindary of Beebee Tukeekah, the wilful defaulter, will be sold exclusive of the shares of other proprietors who have paid up their portion of the balance due agreeably to Section 33 Regulation XIX. of 1814.

No. 7—Ghat Bhaujpoor Tuppeh Putsindah, Pergunnah Bhaugulpore; recorded proprietor, Mahatab Lall; sudder jumma, rupees 49-12-11.

Class II.—Temporarily-settled Estates.

No. 44.—Ghat Bunseepoor, Tuppeh Putsindah, Pergunnah Bhaugulpoor; recorded proprietor, Dhunnah Coomree; sudder jumma, rupees 52-11-6¼.

Class I.—Permanently-settled Estates.

No. 65.—Mouzah Jellallpoor, *alias* Jypoora Pergunnah, Kaukjoul; recorded proprietor, Dhunneeram Doss; sudder jumma, rupees 13-4-8.

No. 108.—Mouzah Dellawarpoor, Pergunnah Kaukjoul; recorded proprietor, Setara Khanum; guardian of Meer Joher Ally, minor; sudder jumma, rupees 10-13-1.

No. 489.—Mehal Talookah Mohunpoor, Chowmook, Pergunnah Nersingpoor Koorha; recorded proprietors, Bholanath Jha, Gokoolnath Jha, Mosst. Reazoonnessa, Nundlall Sing, Huruckmun Sing, Nursingnarain Sing, *alias* Bacha Sing, Takoor Mun Sing, Jugut Mun Sing, Roopnarain Sing, Oditnarain Sing, Bholanath Misser, Nundkoomar Misser, Doolar Misser, Baboonath Misser, Gopaul Sing, Motee Lall Misser, Nurinder Sing, Motee Lall Misser, Sham Sing, Bundoo Jha, Ramdyal Sing, Shewun Chowdry, Muthooranath Jha, Budreenath Jha, Balanund Sing, Nund Lall Sing, Hurukmun Sing, Nersingnarain Sing, Nundkissore Sing, Thakoor Mun Sing, Kotoaroo Ram Ghugut, and Mosst. Debee Buttee Koomree; sudder jumma, rupees 3,223-15-7. This Mehal consists of 6 Mouzahs, out of which 4 annas in Mh. Mohunpoor share of Roopnarain Sing, 8 annas in Mh. Oodah share of Kotoarooram Bhugut, Bholanath Misser, Nundkoomar Misser, Doolar Misser, Baboonath Misser, and

Motee Lall Misser ; and 8 annas in Mh. Bhowanypoor Jheelary share of Motee Lall Misser, Nurinder Sing, and Sham Sing, wilful defaulters, will be sold exclusive of the shares of other proprietors who have paid up their portion of the balance due agreeably to Section 33 Regulation XIX. of 1814.

No. 773.—Invalid Jageer of Surdha Sing, Soobadar, in Thannah Bhaugulpoor, Pergunnah Bhaugulpoor ; recorded proprietor, Byjnath Chuckerbutty ; sudder jumma, rupees 53-5-4.

No. 786.—Mouzah Bhowaneepoor, Pergunnah Bhaugulpore ; recorded proprietor, Teeluk Burm ; sudder jumma, rupees 17-6-10.

No. 844.—Invalid Jageer of Goordyal Sing, Jemadar. in Thannah Bhaugulpoor ; recorded proprietor, Dhunnah Koomree ; sudder jumma, rupees 15-13-10¼.

Class II.—Temporarily-settled Estates.

No. 883.—Mouzah Anundpoor, Pergunnah Nersingpoor, Coorha ; recorded proprietor, Rookmin Koomree ; sudder jumma, rupees 18-2-4.

Class I.—Permanently-settled Estates.

No. 1600.—Invalid Jageer of Kaem Khan Naik in Thannah Hummutpoor ; recorded proprietors, Mollah Kamell and Syed Wariss Allee ; sudder jumma, rupees 10-8-6.

No. 2259.—Invalid Jageer of Daood Soobadar in Thannah Oodhoa Nullah ; recorded proprietor, Sheikh Oodiet Oolla ; sudder jumma, rupees 21-12-8¾.

No. 2261.—Invalid Jageer of Ramzane Soobadar in Thannah Oodhoa Nullah ; recorded proprietor, Oodiet Oolla ; sudder jumma, rupees 12-12-6.

No. 2660.—Invalid Jageer of Huree Sing Soobadar in Thannah Pealapoor ; recorded proprietor, Sreekissno Abustee ; sudder jumma, rupees 14-14-11.

COLLECTOR'S OFFICE BHAUGULPORE, *The 20th January* 1857. } STEPHEN LUSHINGTON, *Officiating Collector.*

NOTICE is hereby given, that the under-mentioned Estates, in Zillah Rajshahye, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on Monday the 16th February 1857, or 6th Falgoon 1263 B. S., for Arrears of Revenue :—

Class I.—Permanently-settled Estates.

No. 506.—Kismut Kushabagha, Pergunnah Luskerpoor ; recorded proprietor, Gooroopersaud Sircar ; sudder jumma. rupees 16-15-8.

No. 909.—Kismut Sunjoypoor, Pergunnah Burburyah ; recorded proprietor, Nobokissore Sircar ; sudder jumma, rupees 26-15-3.

No. 1566.—Chur Bydopoor, &c., Pergunnah Jeeasindoo; recorded proprietor, Tarasoondery Chowdrainee, mother of the minor Ramlall Chowdree, Juggut Chunder Sircar, Roopmoonjoree Chowdrainee, mother and guardian of the minor Nobocoomar Sircar ; and Ram Chunder Sircar ; sudder jumma, rupees 16-15-10.

ZILLAH RAJSHAHYE ; COLLECTOR'S OFFICE *The 21st January* 1857. } W. T. TAYLOR *Collector.*

NOTICE is hereby given, under Section VI Act. I. of 1845, that the under-mentioned Estates, in Zillah Monghyr, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 9th February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 13th January 1857 :—

Class I.—Permanently-settled Estates.

No. 252.—Mouzah Mohanundpore, Pergunnah Maldah ; recorded proprietor, Mozuffer Alli Khan ; sudder jumma, rupees 119-7-6.

No. 427.—Mouzah Nubbeepore Lutchoo Jahangeerah, Pergunnah Monghyr ; recorded proprietors, Bhyro, Futtoo, Tota and Pirtum ; sudder jumma, rupees 200 9-6.

Class IV. Estates to be sold for Arrears due on account of other Estates.

No. 1467.—The right and interest of Goordyal Sing, in Invalid Jaghir land of Lutchmeeram Naick, in Thannah Bindrabun, Pergunnah Monghyr ; sudder jumma, rupees 11-2-2.

Class I.—Permanently-settled Estates.

No. 1781.—Invalid Jaghir land of Baboo Khan Subadar, in Thannah Jafrah, Pergunnah Furkiah ; recorded proprietor, Jumal Oodin ; sudder jumma, rupees 12-14-1¼.

No. 2484.—Invalid Jaghir land of Mohun Sing Jemadar, in Thannah Jafrah, Pergunnah Furkiah ; recorded proprietors, Mosst. Sookho and Munnooruth Lal ; sudder jumma, rupees 16-10-8.

No. 2486.—Invalid Jaghir land of Kurrimoollah Jemadar, in Thannah Jafrah, Pergunnah Furkiah ; recorded proprietors, Mosst. Ruseedah ; sudder jumma, rupees 16-13-8.

No. 2856.—Invalid Jaghir land of Mahomed Hyat Subadar, in Thannah Suhursah, Pergunnah Ooturkhund ; recorded proprietors, Mosst Bhutto, Mosst. Hoosainee, Luttifun, Mosst. Deelab and Amno ; sudder jumma rupees, 34-12-6.

No. 2864.—Invalid Jaghir land of Beekah Havildar, in thanna Suhursah, Pergunnah Ooturkhund ; recorded proprietors, Mosst. Bussuntah Asmoo, Bundho, Alpho, Meerun, and Ameeroollah ; sudder jumma, rupees 12-5-9¼.

No. 2865.—Invalid Jaghir land of Doomdee Havildar, in Thannah Suhursah, Pergunnah Ooturkhund ; recorded proprietors, Mosst. Jeeun Ameerun, Alleebux, and Fyzee Alli ; sudder jumma, rupees 12-2.

No. 2867.—Invalid Jahir land of Fyzoollah Havildar in Thannah Suhursah Pergunnah Ooturkhund; recorded proprietors, Mosst. Nemail, Shaick Domun, Hyatbux, and Fukeerbux ; sudder jumma, rupees 13-9-10.

No. 3312.—Urazie Thattah Bussuntpore, Pergunnah Furkiah ; recorded proprietor, Narrain Doss, sudder jumma, rupees 68-3-3.

No. 3487.—Invalid Jaghir land of Debee Sing Subadar, in Mouzah Purriah, Thannah Alleenugur, Pergunnah Soorooj Gurha ; recorded proprietors, Benee Sing, Kunnyah Sing, Villait Hossein and Jharkhundee Roy ; sudder jumma, rupees 15-6-2¾.

MONGHYR COLLECTOR'S OFFICE, *The 19th January* 1857. } J. PIRON, *Uncovenanted Deputy Collector, in charge.*

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Purneah will be put up to public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th day of February 1857, for arrears of Revenue :—

BENGAL PORTION MEHALS.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 71.—Millick Bazafty Annund Beelas, Pergunnah Havellee ; recorded proprietor, Pearee Loll Doss, auction purchaser ; sudder jumma, rupees 16-12-2.

No. 209.—Mouzah Banurjhoolah, Pergunnah Powakhally ; recorded proprietor, Khurgnarain Doss ; sudder jumma, rupees 11-1-7.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 297.—Mouzah Sooranund Bhojepoor, Pergunnah Futtehpoor Singhea ; recorded proprietors, Manna Jan and others ; sudder jumma, rupees 314-14-5.

No. 300.—Mouzah Dubgumnah, Pergunnah Futtehpoor Singhea ; recorded proprietors, Musst. Mehar Jan and others ; sudder jumma, rupees 825-0-4.

Class III.—Mehals temporarily-settled or let in Farm.

No. 364.—Mouzah Bunbhang, Pergunnah Havellee ; recorded proprietor, Bairam Singh ; sudder jumma, rupees 15 3-1.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 390.—Mouzah Jeeahpokhur, Pergunnah Powakhally ; recorded proprietors, Golam Ally and others ; sudder jumma, rupees 22-5-0.

No. 412.—Mouzah Nussooroollah Nuzzur Gosainpoor, Pergunnah Havellee ; recorded proprietor, Gobindchund, auction purchaser ; sudder jumma, rupees 37-9-7.

No. 512.—Mouzah Dhengree, Pergunnah Sooltanpoor ; recorded proprietor, Peary Loll Doss, auction purchaser ; sudder jumma, rupees 32-10-6.

Class III.—Mehals temporarily-settled or let in Farm.

No. 538.—Mouzah Dhengree, Pergunnah Sultanpoor ; recorded proprietor, Musst. Soobhudra Dai ; sudder jumma, rupees 143-11-9.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 558.—Mouzah Burra Musseeah, Pergunnah Futtehpoor Singhea ; recorded proprietor, Geerburnarain, auction purchaser ; sudder jumma, rupees 86-14-3.

No. 602.—Mouzah Hunnoomangunge, Pergunnah Havellee ; recorded proprietor, Ranee Lujabutty ; sudder jumma, rupees 40-15-11.

No. 636.—Mouzah Dewree Dawkpokhur, Pergunnah Sreepoor ; recorded proprietor, Musst. Fuzoolnissa Begum ; sudder jumma, rupees 38-11 8.

No. 683.—Mouzahs Dewree Dawkpokhur and Banoogurh, Pergunnah Sreepoor ; recorded proprietors, Gobind Buksh Doss and others ; sudder jumma, rupees 70-5-3.

No. 812.—Mouzah Dhokurpatt, Pergunnah Sreepoor ; recorded proprietors, Musst. Bebee Munna, Bebee Bhoolah, Mahomed Ally, and others ; sudder jumma, rupees 84-2-7.

No. 816.—Mouzah Dhoomghurh, Pergunnah Sreepoor ; recorded proprietor, Musst. Fuzooloolnissa Begum ; sudder jumma, rupees 30-3-0.

No. 838.—Mouzah Dhungurrah, Pergunnah Futtehpoor Singhea ; recorded proprietor, Musst. Beenudbutty : sudder jumma, rupees 40-13-1.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 869.—Mouzah Koorsaha, Pergunnah Futtehpoor Singhea ; recorded proprietor, Ramanoogra Loll, auction purchaser ; sudder jumma, rupees 144-1-7.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 873.—Mouzah Haureea, Talooka Musseedgarh, Pergunnah Soorjapoor ; recorded proprietors, Enaeth Hossen and others ; sudder jumma, rupees 43-8-11.

No. 927.—Mouzah Dewgown, Pergunnah Soorjapoor ; recorded proprietors, Saik Meeah Janoollah and Buckaoollah ; sudder jumma, rupees 41-12-7.

No. 966.—Mouzah Mahomedeeah Poopurreeah, Pergunnah Havellee ; recorded proprietor, Fuzooloolnissa Begum ; sudder jumma, rupees 16-0-1.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No 1066.—Mouzah Patkoe, &c., Pergunnah Soorjapoor, &c. ; recorded proprietor, Ruhmat Ally, Khan, auction purchaser ; sudder jumma, rupees 175-1-11.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 1071.—Mouzah Gungnudeeah, &c., Pergunnah Baudour ; recorded proprietors, Sahk Mahomed Ally and others ; sudder jumma, rupees 24-10-4.

No. 1080.—Mouzah Meeahpoor, Talooka Bungummah, Pergunnah Sreepoor ; recorded proprietors Ranee Birjbutty and others ; sudder jumma, rupees 40-11-10.

FUSLEE PORTION MEHALS.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 97.—Mouzah Khoontaha, Pergunnah Dhupper ; recorded proprietors, Musst. Dhunbutty and others ; sudder jumma, rupees 187-12-8.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 99.—Mouzah Koorsaha, Zillah Bhowaneepoor, Pergunnah Dhurmpoor ; recorded proprietor, Futtehchund Sahoo ; sudder jumma, rupees 60-11-0.

No. 133.—Mouzah Bellagunge Rudbah Burdaha, Zillah Nathpoor, Pergunnah Harrawath ; recorded proprietor, Mr. W. M. Grey ; sudder jumma, rupees 18-13-7.

No. 148.—Mouzah Peermokam, Zillah Gondwarrah, Pergunnah Dhurmpoor ; recorded proprietor, Mr. C. Paterson, auction purchaser ; sudder jumma, rupees 11-3-4.

No. 174.—Mouzah Hoolas, Zillah Nathpoor, Pergunnah Harrawath ; recorded proprietors, Chatoora nund Jha and others ; sudder jumma, rupees 15 9-3.

Class III.—Mehals temporarily settled or let in Farm.

No. 227.—Mouzah Shapoor Dhurmee, Zillah Bhowaneepoor, Pergunnah Dhurmpoor; recorded proprietors, Jeechoo Rai and others; sudder jumma, rupees 15-3-6.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 249.—Mouzah Moorsendah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Leelumbur Jha and others; sudder jumma, rupees 27-8-0.

No. 333.—Mouzah Madhoopoor Geerwah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Saik Bheenuck Ally and others; sudder jumma, rupees 42-11-3.

No. 335.—Mouzah Chatur, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietor, Saik Khoda Bux; sudder jumma, rupees 41-3-3.

No. 339.—Mouzah Chandpoor Nowlakhee, Zillah Beernugger, Pergunnah Dhurmpoor; recorded proprietor, Kissenkanth Rai; sudder jumma, rupees 22 9-0.

No. 342.—Mouzah Dhunnetta Jankeeram, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Saik Bheenuck Ally and others; sudder jumma, rupees 37-14-5.

No. 360.—Mouzah Madhoopoor Geeryawa, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Durrab Ally and others; sudder jumma, rupees 10 9-5.

No. 398.—Mouzahs Bohoraram Rai and Kissenpoor Beharee, &c., Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Neelkanth Bhuttacharge and others; sudder jumma, rupees 10-11-8.

No. 504.—Mouzah Kulla Bulloosh, Zillah Gooraree, Pergunnah Dhurmpoor; recorded proprietor, Boonyad Singh, auction purchaser; sudder jumma, rupees 25-4-3.

No. 519.—Mouzah Moorsendah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietor, Ahmed Ally; sudder jumma, rupees 32-10-0.

No. 521.—Mouzah Gobindpoor Kullan, Zillah Nathpoor, Pergunnah Harrawath; recorded proprietors, Chutooranund Jha and others; sudder jumma, rupees 15-12-8.

No. 548.—Mouzah Sudaseebpoor Putty Putchmah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Hurry Chowdry and others; sudder jumma, rupees 15-12-10.

R. ALEXANDER,
Offg. Collector.

PURNEAH COLLECTORATE,
The 22nd January 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates, in Zillah Midnapoor, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 12th day of February 1857, for Arrears of Revenue and other Demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as Arrears of Revenue due on the 12th day of January 1857:—

Class I.—Permanently-settled Estates

No. 109.—Mehal Amuan, Pergunnah Kasseejorah; recorded proprietor, Ramhurry Mojoomdar; sudder jumma, Rupees 99-8-10¼.

MIDNAPORE COLLECTORATE,
CAMP BELKEE,
The 19th January 1857.

W. H. BRODHURST,
Collector.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Tirhoot will be put up to public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th of February 1857, corresponding with 5th Falgoon 1264 F. S:—

Class I.—Permanently-sett'ed Estates.

No. 20.—Mouzah Bhunta, Pergunnah Ahis; recorded proprietors, Leelawer Chowdree and others; sudder jumma, rupees 76-4-3.

No. 507.—Mouzah Rain Shunker, Pergunnah Bubra; recorded proprietors, Bhyro Sing and others; sudder jumma, rupees 19-1-1.

No. 668.—Mouzah Gopaulpore Mungoorah, Pergunnah Dhurrour; recorded proprietors, Musst. Zumoerun Nissah and others; sudder jumma, rupees 11-14-3.

No. 685.—Mouzah Ugerpoor, Chuckla Gurzoul, Pergunnah Bissarah; recorded proprietors, Tilluckdharee Sing and others; sudder jumma, rupees 311-1-9.

No. 933.—Mouzah Puch Rookhee, Chuckla ditto, Pergunnah ditto; recorded proprietors, Meenrunjun Thakoor and others; sudder jumma, rupees 61-2-0.

No. 999.—Mouzah Rajwarah Dhee, Chuckla ditto, Pergunnah ditto; recorded proprietors, Shew Churn Misser and others; sudder jumma, rupees 35-1-0.

No. 1072.—Mouzah Hurpoor Wastee, Chuckla Gurzoul, Pergunnah Bissarah; recorded proprietors, Jhoonuck Lall and others; sudder jumma, rupees 36-6-8.

No. 1109.—Mouzah Poonowlee Shunker, Pergunnah Gudh Chawund; recorded proprietors, Bhugaloo Chowdree and others; sudder jumma, rupees 42-8-5.

No. 1127.—Chuck Arzanee, Chuckla Gurzoul, Pergunnah Bissarah; recorded proprietors, Sheikh Goolaum Dustgeer and others; sudder jumma, rupees 30-13-3.

No. 1148.—Chuck Sheikh Nuzam, Chuckla ditto, Pergunnah ditto; recorded proprietors, Hyder Alli and others; sudder jumma, rupees 61-6-4.

Class VI.—To be sold for realization of quota of Butwarrah Expenses.

No. 1242.—Rights and Interests of Chowdree Ajeet Narain Singh and others, in 16-annas share in Mouzahs Chuck Muhmood Chistee, Sydpoor, Jitwar, Maleepore, Syfpoor Deoray, and in 12-annas share in Mouzah Sohrabpore, appertaining to Talooqua Govindpore, Pergunnah Hajeepore; sudder jumma, rupees 1,771-10-11.

Class I.—Permanently-settled Estates.

No. 1314.—Mouzah Sherepore Pergunnah Hajeepore; recorded proprietors, Mahomed Tukikhan and others; sudder jumma, rupees 128 0 0

No 1392.—Chuck Syud Alli Loonj, Pergunnah ditto; recorded proprietors, Moulvi Tabaruck Alli and others; sudder jumma, rupees 31-8-5.

No 1500.—Mouzah Sukhra oorf Sukhoon, Pergunnah ditto; recorded proprietor, Musst Jysee Cowe, sudder jumma, rupees 10-1-11

Nos 1520 and 1521.—Mouzah Hossiena, Pergunnah Jukhud; recorded proprietors, Tirpit Jha and others; sudder jumma, rupees 20 14-11

Class VI.—To be sold for realization of quota of Butwarrah Expenses

No. 1925.—Rights and Interests of Jeewan Rawut, guardian of Chutterdharee Rawut and others, in 2 annas 7 gundahs 1 krant and 1 dunt share in Mouzah Bhowpershad, Pergunnah Mahila, sudder jumma, rupees 28 8 10

No. 2178.—Rights and Interests of Meer Kurramut Alli and others, in 7 annas, and ditto of Nawaz Tewaree and others, in 1 anna, and ditto of Meer Walaet Hussein oorf Mujawer Hossein and others, in 8-annas shares in Mouzah Chuck Hossun oorf Bungrah Chuckla Nye, Pergunnah Bissara, sudder jumma, rupees 206 5-10

Class I.—Permanently-settled Estates.

No 2270.—Mouzah Rughoonathpore Bya, Chuckla Nye, Pergunnah Bissara, recorded proprietors, Ramgoolam Singh and others, sudder jumma, rupees 71-10-11.

No 2329.—Mouzah Bheekhunpoora, Chuckla ditto, Pergunnah ditto; recorded proprietors, Musst. Bebee Wusseebun and others; sudder jumma, rupees 120-10 6

No. 2434.—Mouzah Govindpatti, Pergunnah Ughara, recorded proprietors, Medni Rai and others, sudder jumma, rupees 84 14-10.

No 2499.—Mouzah Jelalpore oorf Dhoee, Pergunnah Pingee; recorded proprietor, Khedoo Misser; sudder jumma, rupees 32 12 9

No 3465.—Mouzah Nyagas Sullimpore Budsam, Pergunnah Tirsut; recorded proprietors, Girdharee Sahee and others; sudder jumma, rupees 161-9-2.

W. ROBERTSON,
Assistant Collector, in Charge.

TIRHOOT COLLECTOR'S OFFICE,
The 16th January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Backergunge will be put up to public and unreserved Sale, at the Collector's Office of that District, on Thursday, the 5th March 1857, or the 23rd Falgoon 1263 B. S., under orders of Government dated 25th July 1854, No 1179, and as per Roobocarry of the Magistrate of Backergunge, dated the 2nd January 1857. The Mehals in question were advertised for Public Sale on the 11th December 1854, but the Sale was subsequently postponed as per Roobocarry of the above Magistrate, dated the 9th December 1854:—

Sixteen gundahs two cowries two krants share of an Oosut Talook of Mr. George D'Souza, in Joar Preckeeah, in Pergunnah Jaffrabad Ruffecanungger, appertaining to Pergunnah Chunderdeep, sudder jumma, Company's rupees 8-5-4

Two annas thirteen gundahs one cowrie one krant share of Howlah Ramrutton Mojoomdar in the above Oosut Talook; sudder jumma, Company's rupees 13-13-10-8

Two annas thirteen gundahs one cowrie one krant share of a Howlah in the names of Sheebchunder Mojoomdar and others in the above Oosut Talook; sudder jumma, Company's rupees 2-9-7-6¾.

Two annas thirteen gundahs one cowrie one krant share of Howlah Sheeb Chunder Mojoomdar and others in the above Oosut Talook, sudder jumma, Company's rupees 1 12-10-13¼.

Ditto ditto ditto; sudder jumma, Company's rupees 1-1 9-5.

Ditto ditto of Howlah Ramrutton Mojoomdar, in the name of Gourchunder Roy, in the above Oosut Talook; sudder jumma, Company's rupees 41-7-19¼.

Five annas six gundahs two cowries two krants share of Nim Howlah Bhyrubchunder Mojoomdar, situated in Howlah Sheeb Chunder Mojoomdar and others, sudder jumma, Company's rupees 4-0 0

C. W. MACKILLOP,
Officiating Collector.

ZILLAH BACKERGUNGE,
Collector's Office,
The 23rd January 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

Numb. 11. [221]

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

SATURDAY, FEBRUARY 7, 1857.

Legislative Council.

The 31st January 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 17th January 1857, and is hereby promulgated for general information :—

ACT No. I OF 1857.

An Act to prevent the over-crowding of vessels carrying Native Passengers in the Bay of Bengal.

Preamble.

WHEREAS it is necessary to prevent the over-crowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St. George, and between such ports and Ceylon: It is enacted as follows :—

Number of native passengers to be carried in unlicensed vessels.

I. No vessel shall carry native passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

Number of native passengers to be carried in licensed vessels generally.

II. No vessel shall be licensed to carry passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and-a-half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.

And in licensed vessels sailing in ballast from certain parts of the Coast to Ceylon

Penalty on Master of unlicensed vessel.

III. The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section 1, shall be liable to a fine not exceeding two hundred Rupees.

Penalty on Master of licensed vessel.

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by the Government by an Order in Council, published in the *Fort St. George Gazette*; and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is abovementioned shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Government to appoint ports for shipment of passengers, where the number of passengers to be carried is greater than one to every four tons of burden.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping native passengers, or such other persons as the Government of Fort St. George may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II, till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew: and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

Grant of licenses to vessels.

VII. The Master or Tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St. George Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

Certain licensed passenger vessels to carry provisions according to appointed scale.

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

Supply of provisions on board passenger ships plying to and from Ceylon.

X. The Master or Tindal of any vessel licensed to carry passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation or such other person as the Government of Fort St. George may from time to time appoint for the purpose, a list according to the form annexed to this Act, of all passengers to be conveyed in such vessel; and such officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the port to which the vessel is bound; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling officer as before. The Officer in charge of the Customs may withhold the port clearance till this rule is complied with.

List of Passengers to be signed by Master.

Additional Passengers.

XI. If any vessel, bringing native passengers into any port or place whatsoever within the said territories from any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, shall have on board a greater number of passengers than in the proportion prescribed in this Act for vessels licensed to carry passengers from the said territories, the Master or Tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion.

Penalty for bringing native passengers into any port in the Madras Presidency in excess of authorized proportion.

XII. The principal Officer in charge of the Customs at the place of embarkation or of importation, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty for impeding entry or inspection.

XIII. The fines authorized by this Act may be imposed by any Magistrate, Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, or by any Justice of the Peace having jurisdiction at any place in the possession and under the Government of the East India Company.

Levy of fines.

XIV. This Act shall continue in force for three years.

Duration of Act.

SCHEDULE.

FORM.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) ———,
Master.

(Countersigned) ———,
Principal Officer of Customs.

Note.—In the case of vessels carrying passengers to Ceylon, it will be sufficient to insert the number, and not the names, of passengers in Column 5.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 31st January 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 24th January 1857, and is hereby promulgated for general information:—

ACT No. II OF 1857.

An Act to establish and incorporate an University at Calcutta.

WHEREAS, for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Fort William in Bengal and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Calcutta for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science, and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments, and marks of honor proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated: It is enacted as follows: (that is to say)—

Preamble.

Incorporation.

I. The following persons, namely,

The Right Honorable CHARLES JOHN VISCOUNT CANNING,
Governor General of India.

The Honorable JOHN RUSSELL COLVIN,
Lieutenant-Governor of the North-Western Provinces.

The Honorable FREDERICK JAMES HALLIDAY,
Lieutenant-Governor of Bengal.

The Honorable Sir JAMES WILLIAM COLVILE,
Knight,
Chief Justice of the Supreme Court of Judicature in Bengal.

The Right Reverend DANIEL WILSON,
Doctor of Divinity,
Bishop of Calcutta.

The Honorable GEORGE ANSON, General,
Commander-in-Chief of the Forces in India.

The Honorable JOSEPH ALEXANDER DORIN,
Member of the Supreme Council of India.

The Honorable JOHN LOW, Major General,
Companion of the Most Honorable Order of the Bath, Member of the Supreme Council of India.

The Honorable JOHN PETER GRANT,
Member of the Supreme Council of India.

The Honorable BARNES PEACOCK,
Member of the Supreme Council of India.

CHARLES ALLEN, Esquire,
Member of the Legislative Council of India.

HENRY RICKETTS, Esquire,
Provisional Member of the Supreme Council of India.

CHARLES BINNY TREVOR, Esquire,
Judge of the Sudder Court in Bengal.

Prince GHOLAM MUHAMMUD.

WILLIAM RITCHIE, Esquire,
Advocate General in Bengal.

CECIL BEADON, Esquire,
Secretary to the Government of India.

Colonel HENRY GOODWYN, of the Bengal Engineers,
Chief Engineer in Bengal.

WILLIAM GORDON YOUNG, Esquire,
Director of Public Instruction in Bengal.

Lieutenant-Colonel WILLIAM ERSKINE BAKER,
of the Bengal Engineers,
Secretary to the Government of India.

Lieutenant-Colonel ANDREW SCOTT WAUGH,
of the Bengal Engineers,
Surveyor General of India.

KENNETH MACKINNON, Esquire,
Doctor in Medicine.

HODGSON PRATT, Esquire,
Inspector of Schools in Bengal.

HENRY WALKER, Esquire,
Professor of Anatomy and Physiology in the Medical College of Bengal.

THOMAS THOMSON, Esquire,
Doctor in Medicine, Superintendent of the Botanical Garden at Calcutta.

FREDERICK JOHN MOUAT, Esquire,
Doctor in Medicine, and Fellow of the Royal College of Surgeons.

Lieutenant WILLIAM NASSAU LEES,
of the Bengal Infantry.

The Reverend WILLIAM KAY,
Doctor of Divinity,
Principal of Bishop's College.

The Reverend ALEXANDER DUFF,
Doctor of Divinity.

THOMAS OLDHAM, Esquire,
Superintendent of the Geological Survey of India.

HENRY WOODROW, Esquire,
Inspector of Schools in Bengal.

LEONIDAS CLINT, Esquire,
Principal of the Presidency College.

PROSONNO COOMAR TAGORE,
Clerk Assistant of the Legislative Council of India

RAMAPERSHAD ROY,
Government Pleader in the Sudder Court of Bengal.

The Reverend JAMES OGILVIE,
Master of Arts.

The Reverend JOSEPH MULLENS,
Bachelor of Arts.

Moulavy MUHAMMUD WUJEEH,
Principal of the Calcutta Mudrasah.

ISHWAR CHUNDRA BIDYA SAGUR,
Principal of the Sanskrit College of Calcutta.

RAMGOPAUL GHOSE,
Formerly Member of the Council of Education.

ALEXANDER GRANT, Esquire,
Apothecary to the East India Company.

HENRY STEWART REID, Esquire,
Director of Public Instruction in the North-Western Provinces,

being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Calcutta; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

Power to hold and dispose of property.

II. The said Body Corporate shall be able and capable in law to take, purchase, and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

Constitution of Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor General of India in Council hath already appointed, or shall from time to time, by any order published in the *Calcutta Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall

Senate.

constitute the Senate of the said University. Provided that if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

Chancellor.

IV. The Governor General of India for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honorable Charles John Viscount Canning.

Vice Chancellor.

V. The first Vice-Chancellor of the said University shall be Sir James William Colvile, Knight. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor General of India in Council shall, by notification in the *Calcutta Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that on any vacancy in the said office which shall occur by effluxion of time, the Governor General of India in Council shall have power to re-appoint the Vice-Chancellor hereinbefore nominated or any future Vice-Chancellor to such office.

Fellows.

VI. The Lieutenant-Governors of Bengal and the North-Western Provinces, the Chief Justice of the Supreme Court of Judicature at Fort William in Bengal or of any Court of Judicature hereafter to be constituted to or in which the powers of the said Supreme Court may be transferred or vested, the Bishop of Calcutta, and the Members of the Supreme Council of India, all for the time being, shall be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor General of India in Council shall forthwith, by notification in the *Calcutta Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive, as aforesaid, thirty. But nothing herein contained shall prevent the Governor General of India in Council from nominating more than thirty persons to be Fellows of the said University if he shall see fit.

The appointment of a Fellow may be cancelled.

VII. The Governor General of India in Council may cancel the appointment of any person already appointed, or hereafter to be appointed a Fellow of the University, and as soon as such

order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

Chancellor, Vice-Chancellor, and Fellows to superintend the affairs of the University.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art; and touching the qualifications of the candidates for degrees and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor General of India in Council.

Bye-Laws.

Meetings of the Senate.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

Appointment and removal of Examiners and Officers.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and, as they shall see occasion, to remove all Examiners, Officers, and servants of the said University.

Power to confer degrees.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

Qualification for admission of Candidates for degrees.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate, from one of the Institutions authorized in that behalf by the Governor General of India in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Examination for degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination, the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination, the candidates, whether candidates for an ordinary degree or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Grant of degrees

XIV. At the conclusion of every examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Calcutta and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

Fees.

XV. The said Chancellor, Vice-Chancellor and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor General of India in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor General of India in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor General of India in Council may direct.

Annual accounts.

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 233.

Fort William, Home Department,
The 4th February 1857.

Notification.—The services of the Reverend C. W. Cahusac, Assistant Chaplain, who returned from furlough on the 30th ultimo, are placed at the disposal of the Government of Bengal.

No. 234.

The 5th February 1857.

The Right Hon'ble the Governor General in Council is pleased to attach Messrs H. E. Perkins and C. W Aitchison, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oude.

No. 235.

The Reverend C. E. Hadow, appointed by the Hon'ble the Court of Directors, an Assistant Chaplain on the Bengal Establishment, reported his arrival at the Presidency on the 2nd instant.

The services of the Reverend C. E Hadow are placed at the disposal of the Government of Bengal.

CECIL BEADON,
Secy. to the Govt. of India.

No. 566.

Fort William, Foreign Department,
The 4th *February* 1857.

The Governor General in Council is pleased to appoint Lieutenant W. Carnell, of the 3rd European Regiment, to be Adjutant of the Mhairwarra Local Battalion, *vice* Lieutenant C. K. M. Walter, transferred to the Government of the North-Western Provinces.

No. 567.

The Governor General in Council is pleased to make the following promotions in the 7th Regiment of Infantry, Gwalior Contingent:

Captain J. D. MacDonald, Second in Command, to be Commandant, *vice* Major F. Maitland; resigned.

Lieutenant W. Rose, Adjutant, to be Second in Command, *vice* Captain MacDonald.

No. 568

The services of the under-mentioned Officers, are placed at the disposal of the Chief Commissioner of the Punjab, for special duty:

Brevet Major H. B. Lumsden, 59th N. I., Commanding the Corps of Guides.

Lieutenant P. S. Lumsden, 60th N. I. Deputy Assistant Quarter-master General, 1st Class.

No. 569

The 6th February 1857.

Captain A. R. Thornhill, Officiating President at Hyderabad, made over charge of the Thuggee and Dacoitee Office at that Station, to Captain W R. Campbell, Officiating 1st Assistant, on the 15th ultimo.

No. 570.

Lieutenant-Colonel J. Clarke, Deputy Commissioner of Goojranwalla, has obtained leave of absence, under the Military Rules, for one month, from the 12th instant, preparatory to applying for Furlough to Europe.

No. 571.

Lieutenant-Colonel G. H. Macgregor, C. B., Agent to the Governor General at Moorshedabad, has obtained leave of absence, for ten days, under the Military Rules

No. 572.

The Governor General in Council is pleased to appoint Lieutenant T. G. Glover, of Engineers, to be an Executive Engineer at Bhurtpore, as a temporary arrangement.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 10

Fort William, Financial Department,
the 6th February 1857.

Notification.—Read again the papers noted in the margin.

Financial Consultation, 7th September 1855, Nos. 89 and 90.

Read para. 85 of a Despatch from the Hon'ble the Court of Directors, addressed to the Government of India, in the Financial Department, No. 97 of 1856, dated the 19th November.

"*Para.* 85. We cannot acquiesce in your having ruled that it may be "discretional with the several Local Governments when good cause is shown for the indulgence, to sanction Leave of Absence, under Section XIV. of the new Rules." (the Section which authorizes the grant of six months' leave on special private affairs) "to such parties as may not have occasion to apply for the whole at once, in instalments not to exceed in the aggregate six months in six years." This interpretation would have the practical effect of making the grant of this description of leave almost as much a matter of course as the grant of the privilege-leave of one month in each year, whereas it is our intention, and Clause 3 of the Rule, Section XIV. expressly states, that it should be the duty of the Government to consider and determine, in each case, whether the grounds of the application are sufficiently urgent to justify the concession of the leave. The Rule will therefore remain in its original form.

Letter from, dated the 10th March 1856, *No.* 50.

Report proceedings in the Financial Department for the 3rd Quarter of 1855.

320 to 322. Report proceedings on an enquiry by the Bombay Government as to the interpretation placed upon that part of Clause 2, Section XIV. of the new Civil Furlough Rules, (regarding special leave for six months, on private affairs), which prescribes that a second leave of the same description cannot be taken until the expiration of six years from the date of return to duty from any former leave.

Order.—Ordered, that a copy of the above paragraph be published in the Calcutta Official *Gazette* for general information, and that a transcript thereof be sent to the Governments noted in the margin, and also to the Civil Auditor, Fort William, in supercession of the Orders dated 7th September 1855.

Bengal.
Fort St. George.
Bombay.
N. W. Provinces.
Straits' Settlements.

C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

No. 13.

Fort William, Public Works Department,

PUBLIC.

The 6th February 1857.

Appointments.—The Right Honorable the Governor General in Council is pleased to appoint Lieutenant W. R. Fitzgerald, of Artillery, to be an Executive Engineer of the 2nd Class, Pegu Cir-

cle, *vice* Lieutenant T. G. Glover, placed temporarily at the disposal of the Foreign Department.

No. 14

Captain J. H. Wright, of the 1st Regiment Madras Native Infantry, 4th Class Executive Engineer of the Tonghoop Road, is appointed an Executive Engineer of the 3rd Class, and posted to the Culmejole Division Embankment, *vice* Lieutenant S. Black, appointed to another situation.

No. 15.

Lieutenant R. A. Smith, Probationary Assistant Engineer, 2nd Division Grand Trunk Road, is appointed an Assistant Engineer, 2nd Class, with effect from the 1st November 1856.

No 16.

TRANSFER.

Lieutenant W. Jackson, of the 51st Regiment Native Infantry, Assistant Engineer, 2nd Class, is transferred from the Peshawur Division to the Peshawur District.

W. E. BAKER, *Lieut.-Col.*,
Secy. to the Govt. of India.

No. 182.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 29th January 1857.—Captain C. Holroyd to officiate as 1st Class Principal Assistant to the Commissioner of Assam.

Lieutenant T. Lamb to officiate as 2nd Class Principal Assistant to the Commissioner of Assam.

The 4th February 1857.—Mr. E. F. Radcliffe to officiate as Collector of Backergunge.

Leave of Absence.—The 29th January 1857.—Mr. R. F. Hodgson, Collector of Behar, for one month, preparatory to proceeding to Europe, on Medical certificate.

The 3rd February 1857.—Baboo Peareemohun Bannerjee, Principal Sudder Ameen of Beerbhoom, for two days, the 13th and 14th proximo, under Section VII. of the Uncovenanted Absentee Rules.

Mr. J. P. Dessa, Deputy Collector of Purneah, for one month, on Medical certificate, from the 10th ultimo, under Clause 2, Section V. of the Uncovenanted Absentee Rules.

Moulavy Imdad Ally, Sudder Ameen and Sudder Moonsiff of Shahabad, for one month and twenty-one days, under Section VII. of the Uncovenanted Absentee Rules

Notification.—The 6th February 1857.—It is hearby notified that—

1*st*.—Buoyage and Light dues will be charged on all vessels frequenting the Port of Mutlah, at the rate of half, what is now levied on vessels of the same size at the Port of Calcutta.

2*nd*.—The Pilotage charges for vessels employing Government Pilots on the Mutlah will also be half the rates charged on the Hooghly.

3*rd*.—It is optional with the Agents and Commanders of vessels to employ the Government Pilots, or to make any other arrangements for piloting their vessels to sea.

4*th*.—Port clearance will not be given by the Customs' authorities to any vessel, till a Certificate has been produced from the Superintendent of the Port, that the Government Port and Pilotage dues have been paid.

The rates for Port dues and Pilotage charges above specified, are experimental only, and subject to future modification, but six months previous notice will be given before any alteration is made in them.

A. R. YOUNG,
Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor North-Western Provinces.

No. 242 A. of 1857.

Judicial Department,
Head Quarters, the 30th January 1857.

Appointment.—Assistant Surgeon J. G. Kemp, M. D., of the 3rd Irregular Cavalry, to be Civil Assistant Surgeon of Saugor from the date of Dr. Ford's departure from the station.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 370 of 1857.

General Department,
Agra, the 31st January 1857.

Notification.—The privilege-leave for two months, from 1st instant, granted to the Reverend W. J. Jay, Chaplain of Landour, in Orders of 27th November last, is cancelled.

By order of the Hon'ble the Lieutenant-Governor, N. W. Provinces,

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 5th February 1857.

No. 193 *of* 1857.—The following Notification, from the Foreign Department, is published in General Orders:

No 524, *dated 3rd February* 1857.—Lieutenant T. H. Chamberlain, Assistant to the General Superintendent of Operations for the Suppression of Thuggee and Dacoitee at Etawah, has obtained leave of absence, under the Rules applicable to Military Officers on Staff employ, for six weeks, from the date on which he may avail himself of it, to visit Calcutta preparatory to applying for leave to Europe, on Medical certificate.

Lieutenant E. D. R. Ross, of the 3rd European Regiment, and Adjutant of the 17th Irregular Cavalry, is appointed to officiate for Lieutenant Chamberlain during his absence.

No. 194 *of* 1857.—The following Notifications, from the Public Works Department, are published in General Orders:

No. 10, *dated 2nd February* 1857.—*Appointments.*—The Right Hon'ble the Governor General in Council is pleased to appoint Lieutenant C. D. Innes, of Engineers, to be an Executive Engineer of the 3rd Class and to post him to the Allahabad Division, *vice* Captain E. L. Dennys, of the 11th Regiment Native Infantry, in temporary charge.

No. 12, *dated 2nd February* 1857.—The services of Lieutenant T. G Glover, 2nd Class Executive Engineer, Rawul Pindee Division, are placed temporarily at the disposal of the Foreign Department.

No. 195 *of* 1857.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, are published in General Orders:

No. 162 *A., dated 23rd January* 1857.—*Leave of Absence.*—Civil Surgeon Thomas Atchison, of Goruckpore, for three months, under the new Military Leave Rules, from the 15th January 1857, to visit Calcutta, preparatory to applying for leave to England, on Medical certificate, making over temporary charge of the Civil Medical duties to

Dr. J. Naismith, 17th Regiment Native Infantry, who will conduct them till further orders.

No. 203 *A., dated 27th January* 1857.—*Appointment.*—Lieutenant C. K. M. Walter, 73rd Regiment Native Infantry, to be Second Assistant to the Commissioner of Ajmere.

No. 196 *of* 1857.—The Regimental Order issued to the 1st Regiment of Punjaub Cavalry, dated 17th December 1856, directing the Commanding Officer, Lieutenant W. T. Hughes, to assume charge of the Adjutant's Office on the departure of Lieutenant J. Watson to join the 3rd Punjaub Cavalry, or until further orders, is confirmed.

No. 197 *of* 1857.—The Right Honorable the Governor General of India in Council is pleased to make the following appointment:

OUDE IRREGULAR FORCE.
10th Infantry.

Assistant Surgeon E. Darby, M. D., to the Medical charge, *vice* Assistant Surgeon C. Lowdell, appointed to another situation.

No. 198 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick certificate:

Lieutenant James Stuart Tighe, of the 8th Madras Light Cavalry, Assistant Commissioner in the Punjaub ...	For fifteen months, under the new Regulations.

No. 199 *of* 1857.—The services of Assistant Surgeon Alexander Garden, M. D., are placed temporarily at the disposal of the Hon'ble the Lieutenant-Governor of the North-Western Provinces, from the 28th proximo, the date on which he will complete the period of service prescribed in Government General Order No. 364, of the 29th February 1856.

No. 200 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment, without prejudice to their rank, by permission of the Hon'ble the Court of Directors:

	Date of Arrival at Fort William.
Captain Theophilus Green, of the 48th Regiment Native Infantry - - - -	1st Feb. 1857.
Captain John Robert McMullin, of the 50th Regiment Native Infantry - - -	
Lieutenant-Colonel Hugh Boyd, of the 13th Regiment Native Infantry - - - -	2nd Feb. 1857.
Lieutenant Hugh Grant, of the 74th Regiment Native Infantry - - - - -	
Brevet Major Vincent Eyre, of the Regiment of Artillery -	
Brevet Captain Alexander Forsyth, of the 57th Regiment Native Infantry - -	
Brevet Major Robert Henry Miles, of the Invalid Establishment - - -	3rd Feb. 1857.
Surgeon James Alexander Dunbar, M. D., Medical Department - - - - -	
Surgeon William Coverdale Beaty Fatwell, M. D., of the Medical Department - -	
Assistant Surgeon Henry Ambrose Oldfield, M. D., Residency Surgeon, Katmandhoo, (Nepaul), on leave for fifteen months, from 25th January 1856 - - - - - -	3rd Feb. 1857.

No. 201 *of* 1857.—The services of Lieutenant E. P. Gurdon, of the 33rd Regiment Native Infantry, are placed at the disposal of the Foreign Department.

No. 202 *of* 1857.—The services of Assistant Surgeon W. White, are placed temporarily at the disposal of the Hon'ble the Lieutenant-Governor of Bengal, with effect from the 23rd ultimo.

No. 203 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on furlough, on private affairs:

Assistant Surgeon Francis Douglas, M. D., of the Medical Department ...	For two years, under the new Regulations.

Fort William, 6th February 1857.

No. 204 *of* 1857.—The under-mentioned Gentlemen are admitted to the Service in conformity with their appointment by the Hon'ble the Court of Directors, as Cadets of Engineers, Cavalry, and Infantry, on this Establishment, and promoted to the rank of Second Lieutenant, Cornet, and Ensign, respectively, leaving the dates of their Commissions for future adjustment:

	Date of Arrival at Fort William.
Engineers.	
Mr. John Greenlaw Forbes	3rd February 1857.
Cavalry.	
Mr. Arthur George Webster	2nd February 1857.
Infantry.	
Mr. James Frederic Elton...	2nd February 1857.
Mr. George Battye Fisher...	3rd February 1857.
„ Horace Christopher Fagan ...	
„ George Atkins ...	
„ Henry Bristow Sanderson	
„ George Farquhar Irving Graham ...	
„ Herbert Durnford ...	
„ Alfred Mansell Angelo...	
„ Charles James Garstin...	
„ Alan Murray ...	
„ John Tierney Davidson...	
„ Connel O'Donel ...	

No. 205 *of* 1857.—With reference to Government General Order No. 1504, of the 5th December 1856, publishing modifications in the Rules laid down for the establishment and maintenance of Bands of Music in the several Regiments of Cavalry and Infantry in the Armies of the three Presidencies, the Right Hon'ble the Governor General of India in Council is further pleased to direct that the Band Donations of Majors and Lieutenant-Colonels of Cavalry and Infantry, on promotion to the grades of Lieutenant-Colonel and

Colonel, respectively, shall be payable to the Regiment to which they may be first posted in the higher rank, and not to the Corps from which they may have been promoted.

No. 206 *of* 1857.—The following Notification. from the Financial Department, is published in General Orders :

No. 6, *dated* 23*rd January* 1857.—The following Extract from a Resolution passed by the Right Hon'ble the Governor General. in Council, under date the 23rd January 1857, is published for general information :

As a general rule, His Lordship in Council prescribes that, in cases when Uncovenanted Servants exceed by a few days the period of their privilege-leave, the Rule obtaining in the case of Covenanted Officers shall be applied, that is to say, if an Uncovenanted Servant shall not return at the expiration of his privilege-leave, he shall forfeit all Pay and Allowances during the time of his remaining so absent without leave, and if he shall so continue absent for more than one month beyond the term granted, his Office shall become vacant.

No. 207 *of* 1857.—The following Extract from the *London Gazette*, of the 19th December 1856, is published for general information :

War Department, 19*th December* 1856.

BREVET.

The under-mentioned promotion to take place in the East India Company's Army, consequent upon the death of Major General Stephen Moody, Bengal Infantry, on the 28th November 1856. :

To be Major General.

Colonel Henry Hancock, Bombay Infantry. Dated 28th November 1856.

The under-mentioned Officers of the East India Company's Army, retired upon full pay, to have a step of honorary rank :

Lieutenant Colonel George Stephens Brown, Bombay Infantry, to be Colonel. Dated 5th December 1856.

Lieutenant Colonel John James Hamilton, Bengal Infantry, to be Colonel. Dated 19th December 1856.

No. 208 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to advance the under-mentioned Stewards to the grade of Senior Steward, under the operation of the Rule published in Government General Order No. 1372, of the 4th November last, and with effect from the 4th November 1856:

Steward Robert Morrow.
" William Bond.
" John Hennessy.
" John William Franks.

No. 209 *of* 1857—The under-mentioned Officer, is permitted to proceed to Europe, on leave of absence, on Sick certificate :

Brevet Colonel John Fordyce, of the Regiment of Artillery — For three year's under the old Regulations.

No. 210 *of* 1857.—The under-mentioned Gentlemen are admitted to the Service in conformity with their appointment by the Hon'ble the Court of Directors, as Assistant Surgeons on this Establishment :

Medical Department.	*Date of Arrival at Fort William.*
Mr. Robert Westcott, ...	5th Feb. 1857.
Mr. Thomas Edmondston Charles, M. D.	

No. 211 *of* 1857.—Assistant Surgeon H. Thom, M. D., in Medical charge of the 1st Regiment Sikh Infantry, is permitted, at his own request, to resign his appointment in that Corps, and his services are accordingly re-placed at the disposal of His Excellency the Commander-in-Chief.

No. 212 *of* 1857.—The under-mentioned Non-Commissioned Officers having passed the prescribed Examination, are appointed to officiate as Sub-Conductors, in the Ordnance Commissariat Department, from the dates specified opposite to their respective names, leaving the dates of their Warrant for future adjustment :

Serjeant Major John Doran, 6th Infantry Regiment Scindia's Contingent	26th Jan. 1857.
Carpenter Serjeant James Johnston, Arsenal Establishment	24th Jan. 1857.

No. 213 *of* 1857.—That portion of G. G O., No. 162, of the 30th January 1857, by which the services of Surgeon C. L. Cox, A. B., were placed at the disposal of the Foreign Department, is cancelled at the request of that Officer, and his services are accordingly re-placed at the disposal of His Excellency the Commander-in-Chief.

No. 214 *of* 1857.—The name of Mr. Swetenham, appointed conditionally a Cadet of Infantry on this Establishment, in Government General Order No. 1563, of the 19th December 1856, is *Edmund* and not Edmond Swetenham. Order Books to be corrected accordingly.

Mr. Edmund Swetenham having satisfied Government on the points of qualification prescribed by existing Regulations, is admitted to the Service as a Cadet of Infantry on this Establishment, from the 13th January 1857, and promoted to the rank of Ensign, leaving the date of his Commission for future adjustment.

No. 215 1857.—Captain and Brevet Major Lowther Thomas Forrest, of the 40th Regiment Native Infantry, Commandant of Cavalry, United Malwa Contingent, is permitted to retire from the Service of the East India Company, on the pension of a Major, from the 20th January 1857.

No. 216 *of* 1857.—The leave of absence, to proceed to Europe, on Sick certificate, granted to Assistant Surgeon A. C. C. DeRenzy, of the Medical Department, in G. G. O. No. 997, of the 3rd October 1855, is extended to the 15th January 1857, the date on which that Officer reported his return to Bengal.

No 217 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment, without prejudice to their rank, by permission of the Hon'ble the Court of Directors :

	Date of Arrival at Fort William.
Assistant Surgeon Robert Parker, of the Medical Department ...	2nd February 1857.
Lieutenant Charles Harris Blunt, of the Regiment of Artillery...	3rd February 1857.
Lieutenant Edward Bertie Clay, of the 66th or Goorka Regiment	5th February 1857.

R. J. H. BIRCH, *Colonel*,
Secy. to the Govt. of India,
in the Mily Dept.

Monthly Account of Salt in Store in the several Agencies and the Sulkea Golahs up to 31st January 1857, together with 4 per cent. Reserve for Golah Wastage.

AGENCIES.	1258 or 1851-52 and previous years	1259 or 1852-53	1260 or 1853-54	1261 or 1854-55	1262 or 1855-56	1263 or 1856-57.	Total Quantity in Store.
Hidgellee.	Mds S. C	Mds S. C.	Mds S C	Mds S. C	Mds S C	Mds. S C.	Mds. S. C.
Pangah Salt, Ghaut Russoolpore,	0 0 0	0 0 0	0 0 0	0 0 0	1685 0 0	0 0 0	1685 0 0
Ditto do, Kasenigur,	0 0 0	0 0 0	0 0 0	0 0 0	5289 0 0	0 0 0	5289 0 0
Ditto do, Ramnugur,	0 0 0	0 0 0	0 0 0	5097 0 0	4929 0 0	0 0 0	10026 0 0
Do do North Kaleenugur	0 0 0	0 0 0	0 0 0	0 0 0	3948 0 0	0 0 0	3948 0 0
Do do Pooree Ghatta,	0 0 0	0 0 0	0 0 0	38448 0 0	97745 0 0	0 0 0	136193 0 0
Total,	0 0 0	0 0 0	0 0 0	43545 0 0	113596 0 0	0 0 0	157141 0 0
Tumlook							
Pangah, Ghaut Narrainpore,	0 0 0	0 0 0	0 0 0	0 0 0	10073 34 15	0 0 0	10073 34 15
Total,	0 0 0	0 0 0	0 0 0	0 0 0	10073 34 15	0 0 0	10073 34 15
24 Pergunnahs							
Pangah, Ghaut Dhosah,	0 0 0	0 0 0	0 0 0	0 0 0	3575 25 0	0 0 0	3575 25 0
Ditto do, Baugundee,	0 0 0	0 0 0	0 0 0	0 0 0	5644 9 0	0 0 0	5644 9 0
Total,	0 0 0	0 0 0	0 0 0	0 0 0	9219 34 0	0 0 0	9219 34 0
Chittagong							
Pangah, Baugkhally Ghaut,	0 0 0	0 0 0	0 0 0	0 0 0	13048 7 0	0 12 0	13048 19 0
Ditto, Sudder Ghaut Agency,	0 0 0	0 0 0	0 0 0	0 0 0	23991 30 0	0 0 0	23991 30 0
Ditto, ditto, Arracan,	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	21691 0 0	21691 0 0
Total,	0 0 0	0 0 0	0 0 0	0 0 0	37039 37 0	21691 12 0	58731 9 0
Sulkea.							
Pangah, Cuttack,	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Ditto, Balasore,	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Ditto, Khoredah,	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Ditto, Chilka,	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0
Ditto, 24-Pergns.,	0 0 0	0 0 0	0 0 0	0 0 0	4320 0 0	0 0 0	4320 0 0
Ditto, Narainpore,	203587 20 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	203587 20 0
Kurkutch, Madras Permit	0 0 0	0 0 0	0 0 0	283652 0 0	706482 0 0	0 0 0	990134 0 0
Ditto, Chilka,	0 0 0	0 0 0	94052 0 0	120550 0 0	0 0 0	0 0 0	214602 0 0
Total,	203587 20 0	0 0 0	94052 0 0	404202 0 0	710802 0 0	0 0 0	1412643 20 0
Arracan.							
Pangah, Ghaut Kyouk Phyoo,	0 0 0	0 0 0	0 0 0	0 0 0	21624 22 0	6253 20 0	27878 2 0
Total,	0 0 0	0 0 0	0 0 0	0 0 0	21624 22 0	6253 20 0	27878 2 0
Grand Total,	203587 20 0	0 0 0	94052 0 0	447747 0 0	902358 15	27944 32 0	1675687 19 15

BOARD OF REVENUE,
The 4th February 1857

E. T. TREVOR,
Officiating Secretary

LIST OF PACKAGES LYING UNCLAIMED ON THE CUSTOM HOUSE WHARF.

Date of Landing.		Mark or Address of Packages.	Ships.
1856 June ..	11th,	55 Case Sherry, marked I A O in diamond, ...	Eugenia.
Ditto ..	„	75 Cases Merchandise, marked ditto in diamond, ...	Ditto.
July ..	24th,	1 Case unknown, marked G G in diamond A, No 3, ...	Gleaner.
Ditto ..	31st,	3 Casks Merchandise, marked R S M & S 50 in diamond, 2189-91	Nile.
Ditto ..	31st,	3 Cases ditto, marked 2186-88 in diamond, ...	Ditto.
August ..	4th,	5 Barrels Gunpowder,* marked 40 in diamond S D & Co.....	Bucephalus.
Ditto ..	„	4 Barrels ditto,* marked No. 17 in diamond W T E, ...	Ditto.
Ditto ..	6th,	8 Small Bags Pepper and 1 Bag Betel-nuts, ...	Alert.
Ditto ..	8th	6 Crates Merchandise, marked B. N., ...	Cumberland.
Ditto ..	11th,	130 Bundles and 21 Bars Iron, no mark, ...	Contest.
Ditto ..	21st,	5 Bars Iron, do , ...	John MacVicar.
Ditto ..	23rd.	1 Package Sample, J. G. Bagram, Esq., ...	Str. Lancefield.
Ditto ..	29th,	1 Case Merchandise, R. B. Oakley, Esq , ...	Mallard.
Sept., ..	5th,	3 Butts Merchandise, marked E I F B S, Nos. 1 to 3, ...	Bucephalus.
Ditto ..	6th,	3 Bars Iron, marked C A S, ...	Earl of Shaftesbury.
Ditto ..	9th,	1 Bundle Rod Iron, no mark, ...	Toft Combs.
Ditto ..	10th,	5 Butts Merchandise, marked E I F B S, Nos. 4 to 8, ...	Bucephalus.
November	5th,	2 Slabs Spelter, marked C. R., ...	Caribon.
Ditto ..	12th.	7 Bags Wet Dates, no mark, ...	Fazie Rohman.
December	18th,	4 Crates Merchandise, marked T B & Co.	Helvellyn.
1857 January	3rd,	1 Parcel unknown, D. Wilson and Co., ...	Str. Fiery Cross.
Ditto ..	7th,	1 Case ditto, H C, N . 2 also Thos. Thomson, ...	Monarch.
Ditto ..	17th,	1 Bale Merchandise, mark K S, ...	Sylphide.
Ditto ..	„	1 Bale ditto, marked S D, ...	Ditto.
Ditto ..	19th,	1 Case unknown, Captain Fookes, ...	Queen.
Ditto ..	21st,	1 Case ditto, J W H L, ...	Ditto.
Ditto ...	27th,	5 Pieces Spelter, marked H V B, ...	Electric.
Ditto ..	28th,	2 Cases unknown, P. McDonald and Co., ...	Prince of Wales.
Ditto ...	„	1 Box ditto, marked J F No. 4, ...	Ditto.
Ditto ...	„	2 Boxes ditto, no mark, ...	Ditto.
Ditto ..	„	1 Box ditto, Capt. Brooking, ...	Str. Robert Lowe.
Ditto ..	„	1 Parcel ditto, marked M G R in square, No. 3122-37, ...	Ditto.
Ditto ..	„	4 Cases ditto, marked C R R Nos. 1 to 4, ...	Ditto.
Ditto ..	„	1 Case ditto, F. W. Dunn, Esq , ...	Ditto.
Ditto ..	„	1 Parcel ditto, C. Knatchball, Esq., ...	Ditto.

* In the Moyapore Magazine.

CALCUTTA ; CUSTOM HOUSE,
The 6th February 1857.

G. D. WILKINS,
Collector of Customs.

Opium Notification.

NOTICE is hereby given, that the Second Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall on Tuesday, the 10th February 1857, at 11 A. M., and will comprize 3,655 Chests, *viz.* :—

	Chests.
Behar Opium, ...	2,540
Benares ditto, ...	1,115
Total Chests, ..	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 16th and 25th February 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Monday, the 16th February 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Wednesday, the 25th February 1857.—

4. In addition to the quantity above advertized for Sale, the following quantities more or less of Behar and Benares Opium of 1855-56 will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday, 13th March 1857.	2540	1115	3655
On or about Monday, 13th April ,,	2540	1115	3655
On or about Monday, 11th May ,,	2540	1115	3655
On or about Wednesday, 10th June,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday 10th August ,,	2540	1115	3655
On or about Friday, 4th September,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thursday, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2559	1141	3700
	25419	11176	36595

By order of the Board of Revenue,
C. S. BELLI,
Offg. Junior Secretary.

FORT WILLIAM,
The 24th January 1857.

Notice.

THE Hon'ble Company's Steamer *Fire Queen* will be despatched to Chittagong, Akyab, Rangoon, and Moulmein, at day-light on the morning of Monday next, the 9th instant.

There will be no room for private Freight other than for Specie.

By Order of the Officiating Superintendent of Marine,

H. HOWE,
Secretary.

FORT WILLIAM;
Marine Superintendent's Office,
The 2nd February 1857.

Notice.

SEALED TENDERS for watering the Roads in the Garrison of Fort William, for 3½ months, that is, from the 15th February to 31st May 1857 (more or less), will be received in the Office of the Garrison Engineer until the 10th instant, Tuesday.

All further information, may be obtained by applying personally to the Garrison Engineer, between the hours of 11 and 4 daily.

CHARLES J. HODGSON, *Captain,*
Garrison Engineer.

FORT WILLIAM,
The 2nd February 1857.

NOTICE is hereby given, that an Examination will be held on Tuesday, the 24th February 1857, for the purpose of testing the acquirements of Candidates for Certificates of qualification as Regimental Moonshees and as Teachers of the Unpassed Civil Servants, according to General Orders by the President of the Council of India, dated 9th October 1850, and the Government Notification, dated the 24th January 1854, respectively.

Candidates are requested to send in their applications stating the language or languages to be passed in, on or before the 21st proximo.

By order of the Board of Examiners,

E ST. GEORGE, *Captain,*
Offg. Secy. to the Board of Examiners.

BOARD OF EXAMINER'S OFFICE;
No. 1, Little Russell Street,
The 29th January 1857.

اشتهار داده میشود

که حسب الحکم جنرل آرڈر مورخهٔ نهم اکتوبر سنه ۱۸۵۰ ع وموافق حکم گورنمنٹ مورخهٔ بست و چهارم جنوري سنه ۱۸۵۴ ع امتحان امیدواران عهدهٔ منشیگري پلٹن وتدریس صاحبان اهل قلم دربورڈ آف اکزامنرس بتاریخ بست وچهارم ماه فبروري سنه حال روزسه شنبه مقرر گردیده است هرکرا امتحان دادن منظور باشد باید که تا بست ویکم ماه مذکور قطعه درخواست نامه بقید زبان یعني درکدام زبان امتحان خواهند داد نوشته نزد سکرٹري بورڈ مذکور بگذراند و تحریرني التاریخ بست ونهم جنوری سنه ۱۸۵۷ ع

واضح باد که دفترخانهٔ مذکور در لینڈل سل استریٹ چورنگي واقع است

By order of the Board of Examiners,

E. ST. GEORGE, *Captain,*
Offg. Secy. to the Board of Examiners.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Half a Second (½s.) after Mean Noon.

ORFEUR CAVENAGH, *Lieut.-Col.,*
Town Major.

FORT WILLIAM,
3rd February 1857.

Advertisement of the Soonderbun Commissioner's Office.

NOTICE is hereby given, that the under-mentioned Lots, situated within the limits of the Backergunge and Jessore portions of the Soonderbuns, will be sold at the Station of Burrisaul, by the Soonderbun Commissioner, on Friday, the 20th day of February 1857, corresponding with the 10th Falgoon 1263.

2. The highest bidder will be entitled to the Lots, on depositing, immediately after the Sale, the full amount of his Purchase-money, on condition that the Sale is sanctioned by the higher Authorities; otherwise the money will be refunded to the party without interest. On confirmation of the Sale, the Pottah will be drawn up in the name of the Purchaser, under orders of the Government of the 24th September 1853, and will be made over to him after registry at the Office of the Board of Revenue, Lower Provinces; and the Purchaser will become the grantee of the lands under the conditions prescribed in the Pottah, save and except such lands as may be required by Government for the manufacture of Salt.

3. It is further notified, that intending Purchasers, who are desirous to inspect the Map of the Lots, or to obtain any information connected with them, and their present condition, can learn the same by attending either personally, or through their Agents, at the Office of the Commissioner of the Soonderbunds at Burrisaul.

No. of Lot.	Estimated Quantity of Land in Beegahs.	Remarks.
Jessore portion of the Soonderbuns.		
241	5414	These Lands are situated to the South of Tateeboneah, on the Kurmah River.
242	25894	Ditto ditto ditto.
243	4840	On the Bholah River.
244	13733	On the Chechan River.
245	11797	On the Sêliah River.
246	13701	Near the Bholah River.
247	10666	On the Pussur River.
248	11909	To the West of Lot 247.
249	7441	To the West of Lot 248.
250	12183	To the South of Lots 248 and 249.
251	16728	To the West of Sêllah River.
Backergunge portion of the Soonderbuns.		
Nos. 4 and 5 of Khauleah, Burrisaul	69772	The boundaries of these two Lots have been re-adjusted, so as to give both a River facing on the Bulissur River. A Map showing their respective boundaries may be seen at the Commissioner's Office. The two Lots will be sold separately, their respective arrears will be notified on the day of Sale. The cultivated portions of these Lots to be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 6 of Khauleah, Burrisaul ...	36995	The cultivated portions of these Lots will be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 7 of Khauleah, Burrisaul ...	47150	On the Bulissur River.
Panchakaraleah, on the Ilah River ...	6760	The cultivated portions of this Lot will be included in the Grant after assessment, under Rule 4 of the Government Orders of the 24th September 1853.
Chando Khallee East of above Lot .	8120	Ditto.
Rochoopatra, West of above Lot ..	10820	On the Neelgunge River.

J. H. Reily,
Commissioner of Soonderbuns.

Soonderbun Commissioner's Office;
Burrisaul,
The 26th January 1857.

শুন্দরবনের কমিশ্যনরের দপ্তরখানার ইস্তেহার।

ইহার দ্বারায় সংবাদ দেওয়া যাইতেছে যে মহামান্য শদর বোর্ডের আদেশমতে জেলা জশর ও বাকরগঞ্জের অধিন শুন্দরবন সংক্রান্ত নিম্নের লিখিত লাটহায়ের পাট্টা জেলা বাকরগঞ্জের বরিসাল মোকামে শুন্দরবন কমিশ্যনরের বৈঠকে ইংরাজী সন ১৮৫৭ সালের ২০ ফিব্রুআরি মোতাবকে সন ১২৬৩ সালের ১০ ফালগুণ শুক্রবার বেলা দুই প্রহরের সময় নীলাম হইবেক যে অতি উচ্চ মূল্যে ডাকে তিনি লাট পাইবেন তৎক্ষণাৎ খরিদের সমুদয় মূল্য কমিশ্যনরকে দিতে হইবেক পরে গবণমেণ্টের সন ১৮৫৩ সালের ২৪ সেপ্তম্বর দিবসীয় ঝলাইজাই পাট্টা তাহার নামে প্রস্তুত হইয়া শদর বোর্ড রেবিনিউর মঞ্জুরিমতে তাহাকে দেওয়া যাইবেক এবং শরকারের ব্যবহার প্রস্তুত জন্য ঐ লাটহায়ের মধ্যের কিছু জমি লওয়ার প্রয়োজন হইলে তাহা ছাড়িয়া দিবার নিয়ম পাট্টায় লেখা যাইবেক পরন্তু খরিদার মজকুর ঐ পাট্টার লিখিত নিয়মানুসারে জমিতে দখলকার হইয়া রাজস্য আদায় করিবেক এবং আরো জানান যাইতেছে যে খরিদাকাঙ্খিত ব্যক্তিগণ কেহ ঐ জমির নক্শা দেখিতে চাহিলে স্বয়ং কিম্বা মোক্তারের দ্বারায় কমিশ্যনরের উক্ত মোকামের বৈঠকে যাইয়া দেখিতে পারেন এবং নীলামের অপর যেওরা নীলামের সময় প্রকাশ করা যাইবেক আর যদিস্যাৎ এই নীলাম বোর্ড রেবিনিউর হজুরে মঞ্জুর না হয় তবে খরিদার পোনের টাকা বিনা শুদে ফেরত পাইবেক ইতি সন ১৮৫৭ সাল তারিখ ২৪ জানুআরি মোং সাঙ্গলা ১২৬৩ সাল ১২ মাঘ।

লাটের নম্বর ও নাম	আন্দাজি জঙ্গল জমী	কৈফিয়ৎ
জেলা জশরের মোতা ক		
২৪১ নং	৫৪১৪/০	টাটী বুনিয়ার দক্ষিণ খড়মা নদীর কেনারা
২৪২ নং	২৫৮৯৪/০	ঐ ঐ
২৪৩ নং	৪৮৪০/০	ভোলা নদীর নিকট
২৪৪ নং	১০৭৩৩/০	চেচান নদীর ধারে
২৪৫ নং	১১৭৯৭/০	সেলা নদীর ধারে
২৪৬ নং	১৩৭০১/০	ভোলা নদীর নিকট
২৪৭ নং	১০৬৬৬/০	পশর নদীর নিকট
২৪৮ নং	১১৯০৯/০	উক্ত লাটের পশ্চিমে
২৪৯ নং	৭৪৪১/০	ঐ লাটের পশ্চিমে
২৫০ নং	১২১৮৩/০	২৪৮ নং ও ২৪৯ নং লাটের দক্ষিণ
২৫১ নং	১৬৭২৮/০	সেলা নদীর পশ্চিমে
জেলা বাকরগঞ্জের মোতালক		
চক খাউনিয়া বরিসালের ৪।৫ নং	৬২৭৭২/০	এই দুই লাটের সাবেক সীমানা বদল করিয়া নূতন সীমানা দেওয়া এইরূপে গিয়াছে যে দুই লাটের ভূমীই বলেশ্বর নদীর কেনারায় পতন হইয়াছে ঐ দুই লাটের পৃথক২ ভূমীর ও সীমানার নিরাকরণ নীলামের সময় সকল খরিদারানকে জ্ঞাত করান যাইবেক এবং ইহার মধ্যে যে জমী হাসিল আছে তাহা সন ১৮৫৩ সালের ২৪ সেপ্তম্বর তারিখের ঐকের ৪ বিধিমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামিল করা যাইবেক।
ঐ ৬ নং	৩৬৯৯৫/০	বলেশ্বর নদীর ধারে ইহার হাসীল জমী উপরের লিখিত ঝলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামিল করা যাইবেক।
ঐ ৭ নং	৪৭১৫০/০	বলেশ্বর নদীর ধারে।
পচা কোড়ালিয়া	৬৭৬৪/০	আয়েনা নদীর ধার ইহার হাসীল ভূমী উপরের লিখিত ঝলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামীল করা যাইবেক।
চান্দখালি	৮১২০/০	ঐ চকের পূর্ব্ব দগ ঐ কৈফিয়ৎ।
কচু পাতড়া	১০৮২০/০	ঐ লাটের পূর্ব্ব নীলগঞ্জ নদীর ধারে ঐ কৈফিয়ৎ।

Notification.

No. 44.

MR. C. A. BRUCE, Uncovenanted Deputy Collector of Durrung, received charge of the Treasury of that District on the 23rd ultimo.

BABOO KALIDOSS PALIT, Uncovenanted Deputy Collector, received charge of the Treasury of the Hazareebaugh District on the 26th ultimo.

MR. W. R. POGSON, Uncovenanted Deputy Collector of Backergunge, received charge of the Treasury of that District on the 27th ultimo.

G. G. MACKINTOSH,
Accountant to the Govt. of Bengal.

FORT WILLIAM;
Office of Acctt. to the Govt. of Bengal,
The 6th February 1857.

TO BE peremptorily sold, pursuant to a decree of the Supreme Court of Judicature at Fort William in Bengal, bearing date the 8th day of February, one thousand eight hundred and fifty-five, made in a certain Cause, wherein Aushootosh Day and the said Aushootosh Day and Sreemutty Nemoymonee Dossee and Sreemutty Satoomoney Dossee, Executor and Executrixes of the last Will and Testament of Promothonauth Day, deceased, are Complainants, and Bamondoss Mookerjee, Dwarkanauth Mullick, Rakhaldoss Mullick, and Woomeschunder Paul Chowdry are Defendants, with the approbation of the Master of the said Court, at his Office in the Court House, on the tenth day of February next, at 12 o'Clock in the noon, the following property, that is to say:—

Lot No. 1.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, including the lane or the piece of land on the South side thereof, between this lot and the lot No. 2, hereinafter mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, Lot No. 2, aforesaid; and on the North by the house and premises of Mr. Arratoon Caloos.

Lot No. 2.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a godown to the East thereof, and the piece or parcel of land whereon the same is erected and built, including the lane or piece of land between the dwelling-house and the godown, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of the said Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, lot No. 3, hereinafter mentioned; and on the North by the house and premises and lane, lot No. 1, hereinbefore mentioned. The purchaser of this lot, No. 2, will have a right of way over the lane or piece of land to the South of this lot and separating it from the dwelling-house comprised in lot No. 3, aforesaid.

Lot No. 3.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a godown to the East thereof, and the piece or parcel of land whereon the same is erected, including the lane or piece of land between the messuage and the said godown, and also including the lane or the piece of land between this lot and lot No. 2, hereinbefore mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises of Rammohun Mullick; and on the North by the house and premises, lot No. 2, aforesaid. This lot, No. 3, will be subject to a right of way for the purchasers of lots No. 2 and No. 4 over the lane or piece of land to the North of the dwelling-house comprised in this lot and separating the same from lot No. 2.

Lot No. 4.—All that piece or parcel of land situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. M. S. Owen; on the West partly by the lot No. 3, hereinbefore mentioned, and partly by the land and premises of Rammohun Mullick; on the South by the land and premises of P. J. Sarkies; and on the North partly by the lot No. 3, aforesaid. The purchaser of this lot if not the owner of the property on the East South, or West side thereof, will have a right of, way over the lane or piece of land belonging to lot No. 3, and running to the North and East of the dwelling-house comprised therein.

An outline Plan of the above lots may be inspected by intending purchasers at the Master's Office.

Lot No. 5.—All that zemindary or talook called Chuklah Dhooliahpore and Dhee Kistopore, situate, lying, and being in the zillah of Nuddea, in the province of Bengal, the annual Government Revenue or sudder jumma whereof is Company's Rupees six thousand seven hundred and sixty one, fifteen annas and one pie.

Lot No. 6.—All that messuage, tenement, or dwelling-house and the piece or parcel of land thereunto belonging, containing two cottahs and two chittacks, be the same a little more or less, situate, lying, and being in Hautkholah, in Calcutta, aforesaid, and butted and bounded in manner following, (that is to say), on the East by the house and premises of Berassore Nundy; on the West by the temple of Sree Sree Sedassory Thacoorany, belonging to Rajah Sibkisto Bahadoor; on the South by a lane leading to the Nauth's Bagaun; and on the North by the house and premises of Ramchunder Day.

Lot No. 7.—All that zemindary or talook called Turruff Moonsufpore, situate, lying, and being in the zillah of Nuddea aforesaid, the annual Revenue or sudder jumma whereof payable to Government is Company's Rupees six thousand two hundred and sixty-four.

Lot No. 8.—All that zemindary or talook called Dhee Rajahpore, situate in the said zillah of Nuddea, the annual Government Revenue or sudder jumma whereof is Company's Rupees three thousand seven hundred and thirty-three, four annas and three pie.

Further particulars and conditions of sale may be had at the Master's Office, Supreme Court, or of Mr. Swinhoe, Attorney for the Complainants.

W. MACPHERSON,
Master.

P. J. PAUL, *Attorney.*

CALCUTTA SUPREME COURT;
Master's Office,
The 2nd day of February 1857.

Supreme Court of Judicature at Fort William in Bengal.

RECEIVER'S OFFICE.

IN EQUITY

Doorga Churn Dutt,

versus

Juggernathpersaud Mullick and others.

NOTICE is hereby given, that on Saturday, the 14th day of February 1857, at one o'clock in the afternoon, Charles Swinton Hogg, Esquire, Receiver of the Supreme Court, will put up at his Office for Lease, the under mentioned Villages and Lands, &c., &c., belonging to the Defendant above-named, upon such terms and conditions and upon such security as he may think fit that is to say—

In Zillah Hooghly.

Six annas part or share of four several Mohattran Villages called or known by the respective names of Jhorehaut, Augorie, Proshoto, and Haut Rauzgunge, situate in Pergunnah Anisah

Eight annas part or share of a certain Garden, with appurtenances, and the piece of land thereunto belonging, situate in Jhorehaut, in Pergunnah Anisah.

Eight annas part or share of several pieces of Mohattran Lands, situate in three several Villages called or known by the respective names of Jhorehaut, Augorie and Proshoto, in Pergunnah Anisah

Eight annas part or share of the two several Ghauts of Surrussutty Nuddy, situate in the Village of Jhorehaut, in Pergunnah Anisah.

Eight annas part or share of a certain Ghaut of Kattee Gungah, situate in the Village of Haut Rauzgunge, in Pergunnah Anisah.

Eight annas part or share of the Khaul called Basdebpore Khaul, situate in the Village of Basdebpore, in Pergunnah Anisah.

Eight annas part or share of several pieces of Mohattran Lands, situate in a certain Village called Jottabagundah, either in Pergunnah Bossundary Anisah or Mundul Ghaut.

In Zillah 24-Pergunnahs.

Eight annas part or share of a certain Garden with appurtenances, together with the Churrah of Mossinah Khaul, and the piece of land thereunto belonging, situate at Mirzapore, in Pergunnah Moozaferrah.

Eight annas part or share of the several pieces of Mohattran Lands, situate in six Villages, called or known by the respective names of Mirzapore, Jaughpore, Ramchunderpore, Saukrell, Banoopore, and Dawcoah, all situate in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in Village Chuckgobindpore, in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in a certain Village called Andool, in Pergunnah Moozaferrah.

Eight annas part or share of several pieces of Mohattran Lands, situate in several Villages called or known by the names of Rogoonathpore, Moosgoote, otherwise called Nyah Chuck Coosberriah and Kismut Banoopore within Augorie, in Pergunnah Moozaferrah.

Eight annas part or share of a Village called by the name of Mirzapore otherwise called Gor Mirzapore, in Pergunnah Moozaferrah.

For further particulars, apply at the Receiver's Office, Supreme Court.

RECEIVER'S OFFICE; COURT HOUSE,
The 27th January 1857.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Kal leedoss Singhee, late of Mirzapore, in Calcutta, Merchant, an Insolvent. } On Thursday, the 5th day of February instant, it was ordered that the hearing of this matter should stand adjourned until Saturday, the 4th day of April next, with liberty to the said Insolvent to amend his Schedule filed in this matter on the 16th day of December last, by adding the names of Creditors and the amount and particulars of debts due to them; and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest should be enlarged to the said 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Sherrington, *Attorney.*

Chief Clerk's Office, 6th February 1857.

Notice.

THE Interest and Responsibility of MR. CHARLES JAMES NASMYTH ceased in our Firm from the 1st of January 1857.

EWING & Co.

Notice.

THE Interest and Responsibility of MR. ALEXANDER WALLACE ceased in our firm on the 10th December 1856.

(Signed) HENDERSON WALLACE & Co.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND Co., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.

THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND Co., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

BENGAL CIVIL FUND.

At a Half-yearly General Meeting of Subscribers to the Bengal Civil Fund, held at the Town Hall, on the 30th January 1857.

PRESENT: Messrs. C. Allen, J. G. Campbell, G. G. Mackintosh, G. D. Wilkins, Hon'ble E. Drummond, C. Beadon, St. G. Tucker, E. F. Harrison, G. Palmer, J. A. Crawford, and P. Wigram.

CHARLES ALLEN, ESQUIRE, *in the Chair.*

Read the following Report, submitted by the Managers :—

"The Managers submit their proceedings for the past half-year, for the consideration and sanction of the Meeting.

"Subject to the approval of the Subscribers at this Meeting, they have admitted to the benefits of the Fund the following Families :

Mrs. Pringle, yearly	£	300
Four Children	„	400
	£	700
Less under Rule 25	„	100
	£	600

"The Widow and four Children (three Daughters and one Son) of the late Mr. William A. Pringle, (an Annuitant of 1844,) who died in England on 12th December 1855, admitted under the *old* Rules. This is the only family whose pensions have become chargeable on the Accounts of the year 1855-56.

Mrs. Fagan, yearly	£	300
Three Children..	„	160
	£	460

"The Widow and three Children (two Daughters and a posthumous Son born on 27th June 1856) of the late Mr. C. W. Fagan, who died in England on 22nd May 1856, admitted under the new Rules.

Mrs. Robinson, yearly	£	300

"The Widow of the late Mr F. H Robinson, (an Annuitant of 1852,) who died in Turkey on the 14th October 1856, admitted under the new Rules provisionally, pending the receipt of necessary papers. Mrs. Robinson was an incumbent under the old Rules, as the Widow of Mr. A. Raikes, from 8th June 1849, and since her marriage to Mr. Robinson, in March 1854, has continued to receive the half of her former pension of £300.

Mrs. Dunbar	£	300
A -on	„	80
	£	380

"The Widow and Son of the late Mr. J. Dunbar, who died in Calcutta on the 1st November 1856, under the new Rules provisionally.

"The Accounts for the year 1855-56 are submitted. In accordance with a Resolution of the General Meeting of the 31st January 1855, the Managers have transferred to the Appropriated Fund a sum sufficient to make the Balance of that Fund equal to the total value of all existing pensions, including those granted under the old, as well as those under the new, Rules.

"The third column, which was introduced in the Accounts of 1851-52, for the exhibition of all payments on account of pensions granted previous to 1st January 1850, being no longer required, has been discontinued.

"In the month of June last, the Managers received a letter from Government, communicating the wishes of the Hon'ble Court of Directors, that the rates of Subscription to the Fund should be raised, with reference however to the very decided improvement in the position of the Fund which had taken place since the time to which the observations of the Hon'ble Court referred ; and feeling that they could find no argument founded on the requirements of the Fund, on which to base an appeal to the Service for increasing the rates of Contribution, the Managers felt themselves justified in submitting to Government, for eventual transmission to the Court of Directors, a Statement explanatory of the Fund's position and prospects ; and the Managers confidently hope that the Report which they were enabled to give of the affairs of the Fund was such as to remove all doubt as to the complete sufficiency of its income for every purpose.

"The Managers submit for the consideration of the Meeting, that an amendment be introduced in Article 17 of the Rules, by prefixing the following words to the Rule as it now stands :—"That the "presence of nine Members shall be necessary to form a Meeting, and that in the event of an insuffi- "cient attendance, the Secretary be empowered to fix an adjourned date for such Meeting by Adver- "tisement in the *Calcutta Gazette* and Calcutta papers, not being later than fifteen days after the "day originally appointed for the Meeting."

Resolved.—That the admission of the families above-named be confirmed.

The Accounts for the past year were approved.

Abstract of the Accounts of the Bengal Civil Fund for 1855 56.

	Bearing Interest at 8 per cent.	Bearing Interest at 4 per cent.
Unappropriated Funds.	Rs. As. P.	Rs. As. P.
By Balance 1st May 1855	9,34,416 5 5	5,41,240 14 6
„ Interest	72,726 2 5	22,455 7 11
„ Subscriptions during the year	2,10,134 9 3	1,63,152 11 8
„ Payments by three Annuitants to complete Subscription Balance of Rs. 25,000 under Art. 8	15,406 6 0	0 0 0
„ Composition payment by six Annuitants	0 0 0	21,684 6 5
„ Contribution on Annuity by sixteen Annuitants	0 0 0	6,861 12 1
„ Fines from six Subscribers under Rule 6	0 0 0	750 0 0
„ Transfer from Appropriated Funds of deduction of one-sixth from Pensions under Rule 7	6,442 0 8	3,221 0 4
„ Transfer in adjustment of the payment in 1854-55 from the Unappropriated instead of the Appropriated Fund of the Donation on Marriage, granted under Rule 30 *plus* Interest	0 0 0	3,182 6 5
„ Transfer from Ordinary to Additional head, for investment in 5 per cent. Company's Paper, being Mrs. Creighton's Deposit	0 0 0	52,363 10 2
„ Hon'ble Court's Donation paid to Agents in England	25,600 0 0	0 0 0
	12,64,725 7 5	8,14,912 5 6
Deduct—		
To Transfer to Appropriated Funds		
„ Value of Pensions of Mrs. W. A. Pringle, three Daughters and one Son, under old Rules	48,240 6 10	0 0 0
„ Interest thereon	1,490 1 6	0 0 0
„ The above Donation for payment of Pensions under old Rules	25,600 0 0	0 0 0
„ Transfer to Additional head for investment of Company's Paper as above	52,363 10 2	0 0 0
„ Refunds of over-paid Subscriptions	0 0 0	984 3 2
„ Establishment, &c.	1,907 0 0	4,041 6 0
„ Printing Charges	0 0 0	327 8 0
	1,29,601 2 6	5,353 1 2
„ Transfer to Appropriated Funds in full of the present Values of Pensions granted under the old Rules still pending	10,00,000 0 0	5,58,673 0 0
	11,29,601 2 6	5,64,006 1 2
Balance 30th April 1856, Co.'s Rs.	1,35,124 5 3	2,50,906 4 4
Appropriated Funds.		
By Balance 1st May 1855	14,06,934 11 9	4,59,630 3 4
„ Interest	1,09,423 10 5	22,651 9 0
„ Transfer from Unappropriated Funds Value of Pensions granted to one Family within the year as above	49,730 8 4	0 0 0
„ Transfer from Unappropriated Funds of the Donation for payment of Pensions	25,600 0 0	0 0 0
„ Transfer from Unappropriated Funds in full of the present Values of Pensions granted under the old Rules as above	10,00,000 0 0	5,58,673 0 0
	25,91,688 14 6	10,40,954 12 4
Deduct—		
To Pensions paid in England under old Rules	2,75,865 9 6	0 0 0
„ Ditto in India ditto	14,356 14 6	0 0 0
„ Ditto in England under new Rules	42,598 6 6	21,299 3 3
„ Ditto in India ditto	4,160 0 0	2,080 0 0
„ Transfer to Unappropriated Funds of the deduction of one-sixth from Pensions under Rule 7	6,442 0 8	3,221 0 4
„ Transfer in adjustment to the payment in 1854-55 from the Unappropriated, instead of the Appropriated Funds of the Donation on Marriage granted under Article 30 *plus* Interest	0 0 0	3,182 6 5
	3,43,422 15 2	29,782 10 0
Balance 30th April 1856, Co.'s Rs.	22,48,265 15 4	10,11,172 2 4
Total Balance 30th April 1856, Co.'s Rs.	23,83,390 4 7	12,62,078 6 8

Comparison of the Balance.

Balance 30th April 1855, less the above Deposit	Rs.	32,89,858 8 10
Balance 30th April 1856, ditto	„	35,93,105 1 1
Increase	„	3,03,246 8 3

Investment of the above Balance.

Investment in Treasury Notes at 8 per cent.	Rs.	23,83,390 4 7
„ in Company's Paper at 4 and 5 per cent.	„	12,00,550 5 10
Uninvested at 4 per cent. (since invested)	„	61,528 0 10
Co.'s Rs.		36,45,468 11 3
Deduct Amount of Deposit	„	52,363 10 2
Co.'s Rs.		35,93,105 1 1

E. E.
E. F. HARRISON, *Honorary Secretary.*

Moved by Mr. Beadon, and seconded by Mr. Crawford, that the Despatch of the Hon'ble Court, with the reply of the Managers, be printed and circulated to the Service.

Proposed as an amendment by Mr. Tucker, that the following words be added to the motion, *viz* : "That this Meeting while desirous of expressing its thanks to the Hon'ble Charles Allen and to Cecil "Beadon, Esq., for the interest which they have taken in the affairs of the Fund, is of opinion, that the "assistance of a professional Actuary is required, in order that the state of the Fund may be accurately "ascertained, and the Subscribers relieved of the responsibility of refusing to pay their just liabilities."

Not carried.

The original proposition was then put and carried.

With reference to the recommendation of the Managers for the revision of Article XVII. of the Rules, at the suggestion of Mr. Tucker, the words *underlined* were added, and the revision agreed to as follows :—

"That the presence of nine Members shall be necessary to form a Meeting, and that, in the event of an insufficient attendance, the Secretary be empowered to fix an adjourned date for such Meeting by Advertisement in the *Calcutta Gazette* and Calcutta papers, not being later than fifteen days after the day originally appointed for the Meeting ; *provided that all proxies, which were sent in to be polled on the day originally appointed, be polled at such adjourned Meeting.*

It was determined that this revision should be referred to the Subscribers for their votes, under Rule 18, by separate letters to each Subscriber.

The following Gentlemen were elected Managers for the ensuing year :—Messrs. E. Currie, H. B. Harington, G. G. Mackintosh, G. D. Wilkins, and the Hon'ble E. Drummond.

A vote of thanks was passed to the Chairman.

C. ALLEN,
Chairman.

CIVIL FUND OFFICE,
The 30th January 1857.

Bank of Bengal.

5TH FEBRUARY 1857.

A Meeting of the Proprietors is requested at the Bank on Monday, the 16th instant, at 10 A. M., for the election of a Director in the room of W. McAdam Stuart, Esq., resigned.

The Poll will close at 3 P. M.

Published by order of the Directors,

J. B. PLUMB,
Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the Week ending 4th February 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital	1,07,00,000	0	0	Government Securities	17,23,874	13	10
Reserve Fund	4,02,166	15	7	Dues from Government	26,899	2	5
Current Accounts	68,99,285	9	7	Mint Certificates, Undue	6,31,811	3	0
Cash Credits Undrawn	12,98,860	9	9	Cash	71,90,445	8	8
Other Claims	26,153	15	11	Loans on Deposit of Securities	1,81,04,652	0	7
Bank Notes and Post Bills	1,57,47,744	12	11	Accounts of Credit on ditto	35,87,027	0	5
				Government Bills Discounted	17,81,453	3	5
				Mercantile Bills ditto	18,48,331	2	3
				Dead Stock	1,79,717	13	2
Co.'s Rs.....	3,50,74,211	15	9	Co.'s Rs....	3,50,74,211	15	9

Published by order of the Directors.

J. B. PLUMB.
Secretary and Treasurer.

(Signed) H. I LEE,
for Accountant.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent
On the purchase of Government or other Securities, ...	1-4th per Cent
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge.

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION ;
Calcutta, 29th January 1855.

Agra and United Service Bank.

NOTICE.—MR MACKINTOSH BALFOUR is authorised to sign for the Secretary.

By order of the Directors,

FRANCIS R. NEILSON,
Secretary.

CALCUTTA,
31st January 1857.

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,
No. 2, Council House Street, *Secretary.*
Calcutta, 30th January 1855.

LOST.—The Government Promissory Note, No. 106 of the 4 per cent. Loan of 1854-55, dated the 30th of June 1854, for Company's Rupees (1,000) one thousand, and bearing my blank endorsement, originally standing in the names of Hurrybole Chunder, Hurranomo Chunder, and Bolychand Chunder and last endorsed to Bolychand Chunder the proprietor, or standing in the name of Bolychand Chunder the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and of Interest there-upon has been stopped at the Loan Office; and application is about to be made to Government for the issue of a Duplicate Note in favor of the proprietor.

LOST.—The Government Promissory Notes, Nos. 13674 of 15985, 13675 of 15985, 13676 of 15985, 1,3677 of 15985, for Company's Rupees 500 each, originally standing in the names of Roopchunder Chunder and Sreemutty Ullungomoonjoory Dossee and last endorsed to Sreemutty Seeboosoondry Dossee, Hurrybole Chunder, Hurranomo Chunder, and Bolychand Chunder, the proprietress and the proprietors, or standing in the names of Sreemutty Seeboosoondry Dossee, Hurrybole Chunder, Hurranomo Chunder, and Bolychand Chunder, the proprietress and the proprietors by whom it was never endorsed to any other persons. Payment of the above Notes and of Interest thereupon has been stopped in the Loan Office; and application is about to be made to Government for the issue of Duplicate Notes in favor of the proprietors.

LOST.—A half of Bank of Bengal Note, No. 23634, for Company's Rupees 50, the payment of which has been stopped at the Bank.

LOST.—First Halves of Bank of Bengal Notes, No. 10313, for Company's Rupees 50, and No. 17049 for Company's Rupees 25, payment of which has been stopped at the Bank.

LOST.—Half of Bank of Bengal Notes, Nos. 08204 and 07336 for Company's Rupees 250; Nos. 35300, 34545, 34501 for Company's Rupees 100; No. 25098 for Company's Rupees 25, the payment of which has been stopped at the Bank.

LOST.—The second-half of a Bank of Bengal Note, No. 03159, for Rupees 25, payment of which has been stopped at the Bank.

LOST.—Second half of a Bank of Bengal Note, No. 33415, for Company's Rupees 50, the payment of which has been stopped at the Bank.

THIS DAY (26th JANUARY)
IS PUBLISHED
THE BENGAL DIRECTORY, ALMANAC, &c
FOR 1857,
FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume,
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PRICE TO SUBSCRIBERS—10 RUPEES.
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TOGETHER WITH

An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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DOMESTIC OCCURRENCES FOR DITTO.
ADVERTISEMENTS.

SAMUEL SMITH & CO.
Jan. 26, 1857.

Post Office Notifications

No. 1810.

OVERLAND MAIL

THE Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, and Aden, per P. and O. Co.'s Steamer *Bengal*, will be closed at this Office on Saturday, the 7th proximo.

1*st*.—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories directed *viâ* Great Britain and Marseilles as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd*.—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd*.—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles or *viâ* Trieste, and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th*.—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th*.—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*.—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th*.—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th*.—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th*.—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th*.—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th*.—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwhich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th*.—Only one paper can be sent in one cover.

C. K. DOVE
Deputy Post-master General.

FORT WILLIAM,
General Post Office
The 27th January 1857

No. 1809.

NOTICE is hereby given, that the Mails for Madras, Ceylon, Mauritius, Cape of Good Hope, St. Helena, Ascension, and London, for transmission per Mail Contract Steamer *Robert Lowe*, will be closed at this Office, on Saturday, the 14th proximo.

Pre-payment on Letters to Madras, Ceylon, and London, is optional; but Letters for Mauritius, Cape of Good Hope, St Helena, and Ascension, must be pre-paid at the following rates:

½ Ounce	...	0	4	0
1 „	...	0	8	0
2 „	...	1	0	0

So on, adding 8 annas for every Ounce or a fraction of an Ounce.

Newspapers and Price Currents must be pre-paid 9 Pie each, and when posted at a Mofussil Post Office, the Inland Indian Postage must be pre-paid in addition to Steam Postage.

Newspapers and Price Currents for Great Britain, when posted at Calcutta, cannot be pre-paid.

Only one paper can be sent under one cover.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA;
General Post Office,
The 29th January 1857

No. 1836.

Notification.

Table showing the New Rates of Steam and Inland Postage on Letters, &c, forwarded by H. M's Mail Contract Steamers.

Names of Places.	Route.	Letter.	Newspapers or Price Current.	Rates of Postage on Letters.
Great Britain ...	Viâ Marseilles ..	... ...	Free ...	Not exceeding ½ oz 0 6 0 Exceeding ½ oz & not exceeding ¾ oz 0 8 0 „ ¾ oz „ ¾ oz. 0 14 0 „ ¾ oz. „ 1 oz. 1 0 0 And so on, eight annas being added for every additional ounce or fraction of an ounce, and two annas French Postage for every additional quarter of an ounce, which includes Inland postage
United States ..				
West Indies not a British Colony or to any Foreign Territories ...	Viâ Marseilles and the United Kingdom ...	Pre-payment optional	3 Pence 2 As.	
West Indies or to any British Colonies ...				
Canada or British North America ...	Viâ do. and the United States	... ...	4 Pence 3 As	
Great Britain ...	Viâ Southampton	Ditto ...	Free ..	Not exceeding ½ oz 0 4 0 Exceeding ½ oz & not exceeding 1 oz 0 8 0 And so on, adding 8 annas for every ounce or fraction of an ounce, which includes Inland postage
Ditto ...	Viâ Trieste, ...	Must be prepaid ...	One Penny (9 pie) steam postage must be pre-paid*	
United States	Viâ Southampton	Cannot be prepaid ...	1 Penny 9 Pie.*	
West Indies or Foreign Territories ...				
Canada or British North America ...	Viâ do. and United States	Ditto ...	2 Pence 1 As. 6 P	
Malta				
Gibraltar ...				
Ionian Islands ...				
Australian Colonies				
Mauritius or any British Colony, the route to which does not lie through Great Britain ...				
China (except Hong-Kong) ..	Viâ Galle ..	Must be prepaid ...	1 Penny 9 Pie*	Ditto
Macao ...				
Canton ...				
Manilla ...				
Batavia ...				
Java				
Bourbon or any Foreign Ports, the route to which does not pass through Egypt				
Madras ...	Direct ..	Optional ...	Ditto* ..	Ditto
Ceylon ...				
Bombay ...				
Aden ...				
Penang ...	Viâ Galle ...	Ditto .	Ditto* ...	Ditto
Singapore ...				
Malacca ...				
Hong-Kong ...				

Old Rates of Postage are applicable to the following Places and at the following Rates.

Names of Places.	Route.	Letters.	Newspapers or Price Current.	Rate of Postage on Letters.
France ...	Viâ Egypt, ...	Steam postage cannot be pre-paid	Steam postage cannot be pre-paid†	When posted at a Mofussil PostOffice, or for the After-packet, the Inland postage must be pre-paid.
Trieste ... Austria ... Alexandria ... Cairo ... Suez ... Places in Egypt or to any Foreign Port viâ Egypt ...	... ...	Must be pre-paid ...	1 Penny 9 pie*	Not exceeding ½ oz. 0 8 0 Exceeding ½ oz. & not exceeding 1 oz. 1 0 0 Exceeding 1 oz. & not exceeding 2 oz. 2 0 0 And so on, adding one Rupee for every ounce or fraction of an ounce, besides Inland postage when posted at Mofussil Offices or posted for an After-packet.
Foreign Europe ...	Viâ Marseilles or Trieste	Ditto ...	Ditto* ...	

* To be paid in Cash when Stamps cannot be used ; the postage is compulsory; and more than one Paper cannot be sent under one cover.

† Applicable to Price Current, Periodicals, Works stitched or bound, Books, Pamphlets, Sheets of Music, Catalogues, Prospectus, Announcements, and Notices of various kinds.

N. B.—Besides the Steam Postage entered in the Column for Newspapers and Price Current, an Inland Postage will be necessary when such papers are posted at Mofussil Post Offices, or when posted for an After-packet.

CALCUTTA ;
General Post Office,
The 2nd February 1857.

C. K. DOVE,
Deputy Post-master General of Bengal.

POSTAL NOTICE.

The Public are informed, that the *Transit* rate of Postage on letters conveyed to, and from, England and India *viâ Marseilles*, is reduced from 5 to 3 pence per ½ oz., as shown by the following Table :

WEIGHT.	Combined British and Indian Rate.	Additional or Transit Charge through France.	Total Charge.
	Rs. As. P.	Rs. As. P.	Rs. As. P.
Not exceeding ¼ of an Ounce	0 4 0	0 2 0	0 6 0
Not exceeding ½ of an Ounce	0 4 0	0 4 0	0 8 0
Not exceeding ¾ of an Ounce	0 8 0	0 6 0	0 14 0
Not exceeding 1 Ounce	0 8 0	0 8 0	1 0 0

And so on, adding 2 Annas for every quarter of an ounce, in addition to the combined British and Indian rate chargeable on the letter.

A corresponding reduction is also made in the Postage on all pre-paid letters forwarded through the United Kingdom to British Colonies, or Foreign Countries, when sent to the United Kingdom *viâ Marseilles* It is to be observed, however, that the Postage, so paid, does not include the Postage between the United Kingdom and the British Colonies or Foreign Territories.

Her Majesty's Post Master General has intimated, that the charges upon letters conveyed directly between France and India, *viâ Egypt*, have been reduced, but in future, will be *levied in France* and *not in India*. All such letters, however, whether on despatch, or receipt, will be subject to Inland or Indian Postage, excepting when posted, or received, at the Presidency Town Post Offices, in accordance with Clause VI. of the Post Office Act of 1854.

G. PATON,
Offg. Director General of the Post Office in India.

The 29th January 1857.

No. 1842.

NOTICE is hereby given, that the Mails for Chittagong, Arracan, Rangoon, and Moulmein, for transmission per H. C. Steamer *Fire Queen*, will be closed at this Office on Saturday, the 7th instant.

FORT WILLIAM;
General Post Office,
The 3rd February 1857.

C. K. DOVE,
Deputy Post-master General.

Packets for the reception of Letters by the following Ships are open at this Office :—

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Steamer Bengal ...	P. & O. S. N. Company.	9th February 1857.	Suez ..	Madras, Ceylon & Aden.	
Steamer Fire Queen.	Hon'ble Company ...	9th ditto ...	Rangoon and Moulmein.	Chittagong & Arracan.	
Steamer Robert Lowe.	Shand, Fairlie & Co. ..	15th ditto ..	London ..	Madras, Ceylon, Mauritius, Cape, St. Helena, and Ascension.	
Marlborough ...	Gillanders, Arbuthnot & Co. ..	26th ditto ..	Ditto		
Corrumulzu ..	Jardine, Skinner & Co. .	In a day or two ...	Melbourne		

CALCUTTA;
General Post Office,
The 6th February 1857.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the* "CALCUTTA GAZETTE" OFFICE, *No.* 5½, *Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 7, 1857.

Land-Sale Notices.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estates in Zillah Purneah will be put up to public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th day of February 1857, for arrears of Revenue :—

BENGAL PORTION MEHALS.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 71.—Millick Bazafty Annund Beelas, Pergunnah Havellee ; recorded proprietor, Pearee Loll Doss, auction purchaser ; sudder jumma, rupees 16-12-2.

No. 209.—Mouzah Banurjhoolah, Pergunnah Powakhally ; recorded proprietor, Khurgnarain Doss ; sudder jumma, rupees 11-1-7.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 297.—Mouzah Sooranund Bhojepoor, Pergunnah Futtehpoor Singhea ; recorded proprietors, Manna Jan and others ; sudder jumma, rupees 314-14-5

No. 300.—Mouzah Duhgumnah, Pergunnah Futtehpoor Singhea ; recorded proprietors, Musst. Mehar Jan and others ; sudder jumma, rupees 825-0-4.

Class III.—Mehals temporarily-settled or let in Farm.

No. 364.—Mouzah Bunbhang, Pergunnah Havellee ; recorded proprietor, Bairam Singh ; sudder jumma, rupees 15 3-1.

Class II.— Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 390.—Mouzah Jeeahpokhur, Pergunnah Powakhally ; recorded proprietors, Golam Ally and others ; sudder jumma, rupees 22-5-0.

No. 412.—Mouzah Nussooroollah Nuzzur Gosainpoor, Pergunnah Havellee ; recorded proprietor, Gobindchund, auction purchaser ; sudder jumma, rupees 37-9-7.

No. 512.—Mouzah Dhengree, Pergunnah Sooltanpoor ; recorded proprietor, Peary Loll Doss, auction purchaser ; sudder jumma, rupees 32-10-6.

Class III.—Mehals temporarily-settled or let in Farm.

No. 538.— Mouzah Dhengree, Pergunnah Sultanpoor ; recorded proprietor, Musst. Soobhudra Dai ; sudder jumma, rupees 143-11-9.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 558.—Mouzah Burra Musseeah, Pergunnah Futtehpoor Singhea ; recorded proprietor, Geerburnarain, auction purchaser ; sudder jumma, rupees 86-14-3.

No. 602.—Mouzah Hunnoomangunge, Pergunnah Havellee ; recorded proprietor, Ranee Lujabutty ; sudder jumma, rupees 40-15-11.

No. 636.—Mouzah Dewree Dawkpokhur, Pergunnah Sreepoor ; recorded proprietor, Musst. Fuzoolnissa Begum ; sudder jumma, rupees 38-11 8.

No. 683.—Mouzahs Dewree Dawkpokhur and Banoogurh, Pergunnah Sreepoor ; recorded proprietors, Gobind Buksh Doss and others ; sudder jumma, rupees 70-5-3.

No. 812.—Mouzah Dhokurpatt, Pergunnah Sreepoor ; recorded proprietors, Musst. Bebee Munna, Bebee Bhoolah, Mahomed Ally, and others ; sudder jumma, rupees 84-2 7.

No. 816.—Mouzah Dhoomghurh, Pergunnah Sreepoor ; recorded proprietor, Musst. Fuzoolool-nissa Begum ; sudder jumma, rupees 30-3-0.

No. 838.—Mouzah Dhungurrah, Pergunnah Futtehpoor Singhea ; recorded proprietor, Musst. Beenudbutty ; sudder jumma, rupees 40-13-1.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 869.—Mouzah Koorsaha, Pergunnah Futtehpoor Singhea ; recorded proprietor, Ramanoogra Loll, auction purchaser ; sudder jumma, rupees 144-1-7.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 873.—Mouzah Haureea, Talooka Musseedgurh, Pergunnah Soorjapoor; recorded proprietors, Enaeth Hossen and others, sudder jumma, rupees 43-8-11.

No. 927.—Mouzah Dewgown, Pergunnah Soorjapoor; recorded proprietors, Saik Meeah Janoollah and Buckaoollah; sudder jumma, rupees 41-12-7.

No. 966.—Mouzah Mahomedeeah Poopurreeah, Pergunnah Havellee; recorded proprietor, Fuzooloolnissa Begum; sudder jumma, rupees 16-0-1.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No 1066.—Mouzah Patkoe, &c., Pergunnah Soorjapoor, &c.; recorded proprietor, Ruhmat Ally, Khan, auction purchaser; sudder jumma, rupees 175-1-11.

Class II.—Mehals permanently settled, paying a jumma not exceeding 100 *Rupees.*

No. 1071.—Mouzah Gungundeeah, &c, Pergunnah Baudour; recorded proprietors, Saik Mahomed Ally and others; sudder jumma, rupees 24-10 4.

No. 1080.—Mouzah Meeahpoor, Talooka Bungunmah, Pergunnah Sreepoor; recorded proprietors-Ranee Birjbutty and others; sudder jumma, rupees 40-11-10.

FUSLEE PORTION MEHALS.

Class I.—Mehals permanently-settled, paying a jumma exceeding 100 *Rupees.*

No. 97.—Mouzah Khoontaha, Pergunnah Dhupper; recorded proprietors, Musst. Dhunbutty and others; sudder jumma, rupees 187-12-8.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees*

No. 99.—Mouzah Koorsaha, Zillah Bhowaneepoor, Pergunnah Dhurmpoor; recorded proprietor, Futtehchund Sahoo; sudder jumma, rupees 60-11-0.

No. 133.—Mouzah Bellagunge Ruqbah Burdaha, Zillah Nathpoor, Pergunnah Harrawath; recorded proprietor, Mr. W. M. Grey; sudder jumma, rupees 18-13-7.

No 148.—Mouzah Peermokam, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietor, Mr. C. Paterson, auction purchaser; sudder jumma, rupees 11-3-4.

No. 174.—Mouzah Hoolas, Zillah Nathpoor, Pergunnah Harrawath; recorded proprietors, Chatoora nund Jha and others; sudder jumma, rupees 15-9-3.

Class III—Mehals temporari y-settled or let in Farm.

No. 227.—Mouzah Shapoor Dhurmee, Zillah Bhowaneepoor, Pergunnah Dhurmpoor; recorded proprietors, Jeechoo Rai and others; sudder jumma, rupees 15-3-6.

Class II.—Mehals permanently-settled, paying a jumma not exceeding 100 *Rupees.*

No. 249.—Mouzah Moorsendah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Leelumbur Jha and others; sudder jumma, rupees 27-8-0.

No 333.—Mouzah Madhoopoor Geerwah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Saik Bheenuck Ally and others; sudder jumma, rupees 42-11-3.

No. 335.—Mouzah Chatur, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietor, Saik Khoda Bux; sudder jumma, rupees 41 3-3.

No. 339.—Mouzah Chandpoor Nowlakhee, Zillah Beernugger, Pergunnah Dhurmpoor; recorded proprietor, Kissenkanth Rai; sudder jumma, rupees 22 9-0

No. 342.—Mouzah Dhunnetta Jankeeram, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Saik Bheenuck Ally and others; sudder jumma, rupees 37 14-5.

No 360.—Mouzah Madhoopoor Geeryawa, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Durrab Ally and others; sudder jumma, rupees 10 9-5.

No. 398.—Mouzahs Bohoraram Rai and Kissenpoor Beharee, &c., Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Neelkanth Bhuttacharge and others; suddor jumma, rupees 10-11-8.

No. 504.—Mouzah Kulla Bullooah, Zillah Goorarec, Pergunnah Dhurmpoor; recorded proprietor, Boonyad Singh, auction purchaser; sudder jumma, rupees 25-4-3.

No. 519.—Mouzah Moorsendah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietor, Ahmed Ally; sudder jumma, rupees 32-10-0.

No. 521.—Mouzah Gobindpoor Kullan, Zillah Nathpoor, Pergunnah Harrawath; recorded proprietors, Chutooranund Jha and others; sudder jumma, rupees 15-12-8.

No 548.—Mouzah Sudaseebpoor Putty Putchmah, Zillah Gondwarrah, Pergunnah Dhurmpoor; recorded proprietors, Hurry Chowdry and others; sudder jumma, rupees 15-12-10.

R. ALEXANDER,
Offg. Collector.

PURNEAH COLLECTORATE,
The 22nd January 1857.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Tirhoot will be put up to public and unreserved Sale, at the Collector's Office of that District, on Friday, the 13th of February 1857, corresponding with 5th Falgoon 1264 F. S:—

Class I.—Permanently-settled Estates.

No. 20.—Mouzah Bhunta, Pergunnah Ahis; recorded proprietors, Leelawer Chowdree and others; sudder jumma, rupees 76-4-3.

No. 507.—Mouzah Rain Shunker, Pergunnah Bubra; recorded proprietors, Bhyro Sing and others; sudder jumma, rupees 19-1-1.

No. 668.—Mouzah Gopaulpore Mungoorah, Pergunnah Dhurrour; recorded proprietors, Musst. Zumeerun Nissah and others; sudder jumma, rupees 11-14-3.

No. 685.—Mouzah Ugerpoor, Chuckla Gurzoul, Pergunnah Bissarah; recorded proprietors, Tilluckdharee Sing and others; sudder jumma, rupees 311-1-9.

No. 933.—Mouzah Puch Rookhee, Chuckla ditto, Pergunnah ditto; recorded proprietors, Meenrunjun Thakoor and others; sudder jumma, rupees 61-2-0.

No. 999.—Mouzah Rajwarah Dhee, Chuckla ditto, Pergunnah ditto; recorded proprietors, Shew Churn Misser and others; sudder jumma, rupees 35-1-0.

No. 1072.—Mouzah Hurpoor Wastee, Chuckla Gurzoul, Pergunnah Bissarah; recorded proprietors, Jhoonuck Lall and others; sudder jumma, rupees 36-6-8.

No. 1109.—Mouzah Poonowlee Shunker, Pergunnah Gudh Chawund; recorded proprietors, Bhugaloo Chowdree and others; sudder jumma, rupees 42-8-5.

No. 1127.—Chuck Arzanee, Chuckla Gurzoul, Pergunnah Bissarah; recorded proprietors, Sheikh Goolaum Dustgeer and others; sudder jumma, rupees 30-13-3.

No. 1148.—Chuck Sheikh Nuzam, Chuckla ditto, Pergunnah ditto; recorded proprietors, Hyder Alli and others; sudder jumma, rupees 61-6-4.

Class VI.—To be sold for realization of quota of Butwarrah Expenses.

No. 1242.—Rights and Interests of Chowdree Ajeet Narain Singh and others, in 16-annas share in Mouzahs Chuck Muhmood Chistee, Sydpoor, Jitwar, Maleepore, Syfpoor Deoray, and in 12-annas share in Mouzah Sohrabpore, appertaining to Talooqua Govindpore, Pergunnah Hajeepore; sudder jumma, rupees 1,771-10-11.

Class I.—Permanently-settled Estates.

No. 1314.—Mouzah Sherepore, Pergunnah Hajeepore; recorded proprietors, Mahomed Tukikhan and others; sudder jumma, rupees 128-0-0.

No. 1392.—Chuck Syud Alli Loonj, Pergunnah ditto; recorded proprietors, Moulvi Tabaruck Alli and others; sudder jumma, rupees 31-8-5.

No. 1500.—Mouzah Sukhra oorf Sukhooa, Pergunnah ditto; recorded proprietor, Musst. Jysee Cowe; sudder jumma, rupees 10-1-11.

Nos. 1520 and 1521.—Mouzah Hossiena, Pergunnah Jukhud; recorded proprietors, Tirpit Jha and others; sudder jumma, rupees 20-14-11.

Class VI.—To be sold for realization of quota of Butwarrah Expenses.

No. 1925.—Rights and Interests of Jeewan Rawut, guardian of Chutterdharee Rawut and others, in 2 annas 7 gundahs 1 krant and 1 dunt share in Mouzah Bhowpershad, Pergunnah Mahila; sudder jumma, rupees 28-8-10.

No. 2178.—Rights and Interests of Meer Kurramut Alli and others, in 7 annas, and ditto of Nawaz Tewaree and others, in 1 anna, and ditto of Meer Walaet Hossein oorf Mujawer Hossein and others, in 8-annas shares in Mouzah Chuck Hossun oorf Bungrah Chuckla Nye, Pergunnah Bissara; sudder jumma, rupees 206-5-10.

Class I.—Permanently-settled Estates.

No. 2270.—Mouzah Rughoonathpore Bya, Chuckla Nye, Pergunnah Bissara; recorded proprietors, Ramgoolam Singh and others; sudder jumma, rupees 71-10-11.

No. 2329.—Mouzah Bheekhunpoora, Chuckla ditto, Pergunnah ditto; recorded proprietors, Musst. Bebee Wusseebun and others; sudder jumma, rupees 120-10-6.

No. 2434.—Mouzah Govindpatti, Pergunnah Ughara; recorded proprietors, Medni Rai and others; sudder jumma, rupees 84-14-10.

No. 2499.—Mouzah Jelalpore oorf Dhoee, Pergunnah Pingeo; recorded proprietor, Khedoo Misser; sudder jumma, rupees 32-12-9.

No. 3465.—Mouzah Nyagas Sullimpore Budsain, Pergunnah Tirsut; recorded proprietors, Girdharee Sahee and others; sudder jumma, rupees 161-9-2.

TIRHOOT COLLECTOR'S OFFICE,
The 16th January 1857.

W. ROBERTSON,
Assistant Collector, in Charge.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Backergunge will be put up to public and unreserved Sale, at the Collector's Office of that District, on Thursday, the 5th March 1857, or the 23rd Falgoon 1263 B. S., under orders of Government dated 25th July 1854, No. 1,79, and as per Roobocarry of the Magistrate of Backergunge, dated the 2nd January 1857. The Mehals in question were advertised for Public Sale on the 11th December 1854, but the Sale was subsequently postponed as per Roobocarry of the above Magistrate, dated the 9th December 1854:—

Sixteen gundahs two cowries two krants share of an Oosut Talook of Mr. George D'Souza, in Joar Preckeeah, in Pergunnah Jaffrabad Ruffeeanungger, appertaining to Pergunnah Chunderdeep; sudder jumma, Company's rupees 8-5-4.

Two annas thirteen gundahs one cowrie one krant share of Howlah Ramrutton Mojoomdar in the above Oosut Talook; sudder jumma, Company's rupees 13-13-10-8.

Two annas thirteen gundahs one cowrie one krant share of a Howlah in the names of Sheebchunder Mojoomdar and others in the above Oosut Talook; sudder jumma, Company's rupees 2-9-7-6¾.

Two annas thirteen gundahs one cowrie one krant share of Howlah Sheeb Chunder Mojoomdar and others in the above Oosut Talook; sudder jumma, Company's rupees 1-12-10-13¼.

Ditto ditto ditto; sudder jumma, Company's rupees 1-1-9-5.

Ditto ditto of Howlah Ramrutton Mojoomdar, in the name of Gourchunder Roy, in the above Oosut Talook; sudder jumma, Company's rupees 41-7-19¼.

Five annas six gundahs two cowries two krants share of Nim Howlah Bhyrubchunder Mojoomdar, situated in Howlah Sheeb Chunder Mojoomdar and others; sudder jumma, Company's rupees 4-0-0.

ZILLAH BACKERGUNGE;
Collector's Office,
The 23rd January 1857.

C. W. MACKILLOP,
Officiating Collector.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work*

CECIL BEADON,
Secy. to the Govt. of India.

WEDNESDAY, FEBRUARY 11, 1857.

Legislative Council.

The 31st January 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 17th January 1857, and is hereby promulgated for general information :—

ACT No. I OF 1857.

An Act to prevent the over-crowding of vessels carrying Native Passengers in the Bay of Bengal.

Preamble.

WHEREAS it is necessary to prevent the over-crowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St. George, and between such ports and Ceylon: It is enacted as follows :—

Number of native passengers to be carried in unlicensed vessels.

I. No vessel shall carry native passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

Number of native passengers to be carried in licensed vessels generally.

II. No vessel shall be licensed to carry passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two and-a-half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.

And in licensed vessels sailing in ballast from certain parts of the Coast to Ceylon.

Penalty on Master of unlicensed vessel.

III. The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section 1, shall be liable to a fine not exceeding two hundred Rupees.

Penalty on Master of licensed vessel.

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by the Government by an Order in Council, published in the *Fort St. George Gazette;* and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is abovementioned shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Government to appoint ports for shipment of passengers, where the number of passengers to be carried is greater than one to every four tons of burden.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping native passengers, or such other persons as the Government of Fort St. George may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II, till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew: and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

Grant of licenses to vessels.

VII. The Master or Tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St. George Gazette,* shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

Certain licensed passenger vessels to carry provisions according to appointed scale.

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

Supply of provisions on board passenger ships plying to and from Ceylon.

X. The Master or Tindal of any vessel licensed to carry passengers as hereinbefore provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, a list according to the form annexed to this Act, of all passengers to be conveyed in such vessel; and such officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the port to which the vessel is bound; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling officer as before. The Officer in charge of the Customs may withhold the port clearance till this rule is complied with.

List of Passengers to be signed by Master.

Additional Passengers.

XI. If any vessel, bringing native passengers into any port or place whatsoever within the said territories from any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, shall have on board a greater number of passengers than in the proportion prescribed in this Act for vessels licensed to carry passengers from the said territories, the Master or Tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion.

Penalty for bringing native passengers into any port in the Madras Presidency in excess of authorized proportion

XII. The principal Officer in charge of the Customs at the place of embarkation or of importation, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty for impeding entry or inspection.

XIII. The fines authorized by this Act may be imposed by any Magistrate, Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, or by any Justice of the Peace having jurisdiction at any place in the possession and under the Government of the East India Company.

Levy of fines.

XIV. This Act shall continue in force for three years.

Duration of Act.

SCHEDULE.

FORM.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) ————,
Master.

(Countersigned) ————,
Principal Officer of Customs.

Note.—In the case of vessels carrying passengers to Ceylon, it will be sufficient to insert the number, and not the names, of passengers in Column 5.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 31st January 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 24th January 1857, and is hereby promulgated for general information :—

ACT No. II OF 1857.

An Act to establish and incorporate an University at Calcutta.

Preamble.

WHEREAS, for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Fort William in Bengal, and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Calcutta for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science, and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments, and marks of honor proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated: It is enacted as follows: (that is to say) —

Incorporation.

I. The following persons, namely,

The Right Honorable CHARLES JOHN VISCOUNT CANNING,
Governor General of India.

The Honorable JOHN RUSSELL COLVIN,
Lieutenant-Governor of the North-Western Provinces.

The Honorable FREDERICK JAMES HALLIDAY,
Lieutenant-Governor of Bengal.

The Honorable Sir JAMES WILLIAM COLVILE,
Knight,
Chief Justice of the Supreme Court of Judicature in Bengal.

The Right Reverend DANIEL WILSON,
Doctor of Divinity,
Bishop of Calcutta.

The Honorable GEORGE ANSON, General,
Commander-in-Chief of the Forces in India.

The Honorable JOSEPH ALEXANDER DORIN,
Member of the Supreme Council of India.

The Honorable JOHN LOW, Major General,
Companion of the Most Honorable Order of the Bath, Member of the Supreme Council of India.

The Honorable JOHN PETER GRANT,
Member of the Supreme Council of India.

The Honorable BARNES PEACOCK,
Member of the Supreme Council of India.

CHARLES ALLEN, Esquire,
Member of the Legislative Council of India.

HENRY RICKETTS, Esquire,
Provisional Member of the Supreme Council of India.

CHARLES BINNY TREVOR, Esquire,
Judge of the Sudder Court in Bengal.

Prince GHOLAM MUHAMMUD.

WILLIAM RITCHIE, Esquire,
Advocate General in Bengal.

CECIL BEADON, Esquire,
Secretary to the Government of India.

Colonel HENRY GOODWYN, of the Bengal Engineers,
Chief Engineer in Bengal.

WILLIAM GORDON YOUNG, Esquire,
Director of Public Instruction in Bengal.

Lieutenant-Colonel WILLIAM ERSKINE BAKER,
of the Bengal Engineers,
Secretary to the Government of India.

Lieutenant-Colonel ANDREW SCOTT WAUGH,
of the Bengal Engineers,
Surveyor General of India.

KENNETH MACKINNON, Esquire,
Doctor in Medicine.

HODGSON PRATT, Esquire,
Inspector of Schools in Bengal.

HENRY WALKER, Esquire,
Professor of Anatomy and Physiology in the Medical College of Bengal.

THOMAS THOMSON, Esquire,
Doctor in Medicine, Superintendent of the Botanical Garden at Calcutta.

FREDERICK JOHN MOUAT, Esquire,
Doctor in Medicine, and Fellow of the Royal College of Surgeons.

Lieutenant WILLIAM NASSAU LEES,
of the Bengal Infantry.

The Reverend WILLIAM KAY,
Doctor of Divinity,
Principal of Bishop's College.

The Reverend ALEXANDER DUFF,
Doctor of Divinity.

THOMAS OLDHAM, Esquire,
Superintendent of the Geological Survey of India.

HENRY WOODROW, Esquire,
Inspector of Schools in Bengal.

LEONIDAS CLINT, Esquire,
Principal of the Presidency College.

PROSONNO COOMAR TAGORE,
Clerk Assistant of the Legislative Council of India.

RAMAPERSHAD ROY,
Government Pleader in the Sudder Court of Bengal.

The Reverend JAMES OGILVIE,
Master of Arts.

The Reverend JOSEPH MULLENS,
Bachelor of Arts.

Moulavy MUHAMMUD WUJEEH,
Principal of the Calcutta Mudrasah.

ISHWAR CHUNDRA BIDYA SAGUR,
Principal of the Sanskrit College of Calcutta.

RAMGOPAUL GHOSE,
Formerly Member of the Council of Education.

ALEXANDER GRANT, Esquire,
Apothecary to the East India Company.

HENRY STEWART REID, Esquire,
Director of Public Instruction in the North-Western Provinces,

being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Calcutta; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

Power to hold and dispose of property.

II. The said Body Corporate shall be able and capable in law to take, purchase, and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

Constitution of Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor General of India in Council hath already appointed, or shall from time to time, by any order published in the *Calcutta Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

Senate.

Chancellor.

IV. The Governor General of India for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honorable Charles John Viscount Canning.

Vice-Chancellor.

V. The first Vice-Chancellor of the said University shall be Sir James William Colvile, Knight. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor General of India in Council shall, by notification in the *Calcutta Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that on any vacancy in the said office which shall occur by effluxion of time, the Governor General of India in Council shall have power to re-appoint the Vice-Chancellor hereinbefore nominated or any future Vice-Chancellor to such office.

Fellows.

VI. The Lieutenant-Governors of Bengal and the North-Western Provinces, the Chief Justice of the Supreme Court of Judicature at Fort William in Bengal or of any Court of Judicature hereafter to be constituted to or in which the powers of the said Supreme Court may be transferred or vested, the Bishop of Calcutta, and the Members of the Supreme Council of India, all for the time being, shall be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor General of India in Council shall forthwith, by notification in the *Calcutta Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, thirty. But nothing herein contained shall prevent the Governor General of India in Council from nominating more than thirty persons to be Fellows of the said University if he shall see fit.

The appointment of a Fellow may be cancelled.

VII. The Governor General of India in Council may cancel the appointment of any person already appointed, or hereafter to be appointed a Fellow of the University, and as soon as such

order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

Chancellor, Vice-Chancellor, and Fellows to superintend the affairs of the University.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art; and touching the qualifications of the candidates for degrees and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor General of India in Council.

Bye-Laws.

Meetings of the Senate.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

Appointment and removal of Examiners and Officers.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and, as they shall see occasion, to remove all Examiners, Officers, and servants of the said University.

Power to confer degrees.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

Qualification for admission of Candidates for degrees.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate, from one of the Institutions authorized in that behalf by the Governor General of India in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Examination for degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination, the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination, the candidates, whether candidates for an ordinary degree or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Grant of degrees

XIV. At the conclusion of every examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Calcutta and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

Fees.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor General of India in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor General of India in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor General of India in Council may direct.

Annual accounts.

W. MORGAN,

Clerk of the Council.

Legislative Council.

The 7th February 1857.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 31st January 1857, and is hereby promulgated for general information :—

Act No. III of 1857.

An Act relating to Trespasses by Cattle.

Preamble.

WHEREAS loss and injury are suffered by cultivators and occupiers of land from damage done to crops and other produce of land by the trespass of Cattle, and whereas damage is done to the sides and slopes of public roads and embankments by cattle trespassing thereon ; and whereas it is expedient to authorize the seizure and detention of Cattle doing damage as aforesaid and also to make provision for the disposal of cattle found straying in any public place: It is enacted as follows :—

Laws repealed.

I. Section IV Regulation V. 1830 of the Bengal Code, Sections XII and LII Regulation XI. 1816 of the Madras Code, and such parts of Sections XIX, XLV, and LIII Regulation XII. 1827 of the Bombay Code, as authorize the Magistrates or Police Officers to take charge and dispose of stray Cattle, are hereby repealed.

Cattle doing damage to land may be seized and impounded

II. It shall be lawful for the cultivator or occupier of any land to seize, or cause to be seized, any cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village or township in which the land is situate. Village and other Police Officers, when called upon shall give their aid to cultivators and occupiers making such seizures.

Where pounds shall be established.

III. Pounds shall be established at the thannahs or district Police stations, and at such other places as the Magistrate, under the orders of the local Government, may determine. The village or villages by which every pound is to be used shall be determined and notified by the Magistrate.

Control and management of pounds.

IV. The pounds shall be under the control of the Magistrate of the district, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the local Government shall direct. Provided that, in the Presidencies of Fort St. George and Bombay, the heads of villages and Police patells shall be ex-officio the keepers of village-pounds.

Seizures to be registered

V. When Cattle are brought to a pound, the pound-keepor shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner if known, and shall give a copy of the entry to the seizer. The pound-keeper shall take charge of and feed the Cattle until disposed of as hereinafter directed.

Pound-keeper to take charge of and feed cattle.

Fines.

VI. For every head of Cattle impounded as aforesaid, a fine shall be levied according to the following scale :—

	Annas.
Camel or Buffalo, ...	8
Horse or Tattoo, Bull, Bullock, or Cow,	4
Calf or Ass, ...	2
Sheep or Goat, ...	1

and no Cattle shall be released by a pound-keeper without the payment of such fine unless the release be ordered by competent authority.

Procedure if owner appear and claim the Cattle.

VII. If the owner appear and claim the Cattle, they shall be delivered to him on payment of the prescribed fine together with the expense of feeding the Cattle at such rates as may from time to time be fixed by the Magistrate ; and the owner, on taking back his Cattle, shall sign a receipt for them in the register kept by the pound-keeper. A schedule of the fines and of the rates of charge for feeding Cattle shall be stuck up in a conspicuous place on or near to every pound.

Procedure if Cattle be not claimed within a specified time.

VIII. If the Cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the Darogah or district Police Officer, who shall stick up in a conspicuous part of the Police Office a notice containing a statement of the number and description of the Cattle, the place where they were seized, and the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village, and at the market place, nearest to the place of seizure. If the Cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the Darogah or district Police Officer or an Officer of his establishment deputed for the purpose.

Procedure if owner appear and refuse or omit to pay the fines and expenses.

IX. If the owner appear, and refuse or omit to pay the fines and expenses, the Cattle, or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the Darogah or other Officer as aforesaid ; and the remaining Cattle, and the balance of the purchase money, if any, shall be delivered to the owner, together with an account shewing the number of Cattle seized, the time during which they have been impounded, the charge for fines and expenses, the number of Cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of; and the owner shall grant a receipt for the Cattle delivered to him and for the balance of the purchase money paid to him (if any) according to such account. Provided always that, if a complaint against the seizure shall have been preferred under the provisions of Section XIV of this Act, no sale shall be made until the case shall have been decided, nor otherwise than according to the order which may be passed in such case.

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Police Officers and pound-keepers not to purchase Cattle at a sale under this Act.

X. Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any Cattle at a sale under this Act.

Disposal of sale-proceeds, fines, and expenses.

XI. When Cattle are sold under the provisions of this Act, the fines leviable and the expenses of feeding, together with the ex-

penses of sale, if any, shall be deducted from the sale-proceeds. The fines so recovered, as well as all fines received by the pound keepers under Section VII, shall be transmitted to the Magistrate by the Darogah, or district Police Officer. The expenses of feeding realized by sale shall be paid over to the pound-keepers who shall also retain and appropriate all sums received by them on account of such expenses under Section VII. The surplus proceeds of the sale of unclaimed Cattle shall be transmitted to the Magistrate, who shall hold them in deposit for three months, and, if no claim to them be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

Fines and unclaimed proceeds of sales to form a fund for the payment of pound-keepers, &c.

XII. The sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle shall form a fund which shall be available for the payment of any salaries which may be allowed to pound-keepers under the orders of the local Government or of expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act.

Penalty for forcibly opposing the seizure of Cattle or rescuing the same.

XIII. Every person who shall forcibly oppose the seizure of Cattle doing damage to land or to crops or other produce of land, or shall forcibly rescue the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound, shall be liable for such offence to imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding five hundred Rupees, or to both. Offences under this Section shall be dealt with by the Police Officers according to the provisions of Section XXV Regulation XX. 1817 of the Bengal Code, Section XXVII Regulation XI. 1816 of the Madras Code, and Section XLIII Regulation XII. 1827 of the Bombay Code.

Owner may prefer complaint to Magistrate within 10 days from date of seizure of his Cattle.

XIV. Any person whose Cattle shall have been seized and detained as doing damage to land or any crop or produce thereon, may prefer a complaint against the seizure, at any time within ten days from the date thereof, to the Magistrate, or to any Joint, Deputy, or Assistant Magistrate or other Officer having criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate. The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other Officer as aforesaid, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate or other Officer as aforesaid, if on examination of the complainant or his agent he shall see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary enquiry into the case. If the seizure be adjudged illegal, the Magistrate or other Officer as aforesaid shall award to the complainant such damages, not exceeding in any case the sum of Rupees one hundred, as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure and detention, together with all expenses incurred by the complainant in procuring the release of the Cattle; or, if the Cattle have not been released, the Magistrate or other Officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fines and expenses leviable under this Act shall be paid by the party who made the seizure. Moonsiffs and other Judicial Officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the local Government with the power of receiving and trying complaints under this Section, and in the exercise of such powers shall be subject to the same rules as Assistants and other Officers subordinate to the Magistrate.

Procedure.

Damages for illegal seizure.

Moonsiffs and others may be invested with power to adjudicate under this Section.

Impounding of Cattle doing damage to roads, embankments, &c.

XV. Persons in charge of public roads, canals, embankments, and the like, may seize or cause to be seized any Cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall be applicable to such seizures.

Impounding of stray Cattle the owners of which are unknown.

XVI. Village and other Police Officers shall convey to the pounds established under Section III of this Act all Cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of Cattle seized as trespassing and doing damage, shall be applicable to all Cattle impounded as aforesaid.

Recovery of penalty for mischief committed by causing Cattle to trespass.

XVII. When any person commits mischief by causing Cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorized to seize Cattle under Section II of this Act, or of any person who may have made advances for the cultivation of the land and delivery of the produce; and any fine which shall be so adjudged may be recovered by sale of the Cattle by which the trespass was committed, or any portion of them, whether the Cattle were seized in the act of trespassing or not, and whether such Cattle are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

Penalty for damage caused to land or crops by pigs.

XVIII. Any person, being an owner or keeper of pigs, who, through neglect or otherwise, shall damage or cause or permit to be damaged, any land or any crop or produce of land by allowing pigs to trespass thereon, shall be liable for such offence to a fine not exceeding ten Rupees. All sums recovered under this and the last preceding Section may be appropriated in whole or in part to compensate the complainant for damage proved to the satisfaction of the Magistrate.

Application of fines.

Saving of right of parties to institute a suit for the recovery of damages in any competent Court.

XIX. Nothing contained in this Act shall be held to prohibit any person, whose crops or other produce of land shall have been damaged by trespass of Cattle, from instituting a suit for the recovery of damages in any competent Court. Provided that any compensation which may have been paid to any such person by order of the Magistrate, shall be

Proviso.

set off and deducted from any sum claimed by or awarded to him as damages in such suit.

Local Government, with the sanction of the Governor General in Council, may exclude any district, &c., from the operation of this Act.

XX. The local Government, with the sanction of the Governor General in Council, may exclude from the operation of this Act any district or tract of country to which its provisions may be judged unsuitable.

Interpretation.

XXI. In the construction of this Act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular; words importing the masculine gender shall include females; the word "Magistrate" shall include a Joint Magistrate, or other Officer lawfully exercising the powers of a Magistrate; the expression "Darogah or District Police Officer" shall, in the North-Western Provinces of the Presidency of Fort William, include a Tuhseeldar or Naib Tuhseeldar entrusted with police powers.

Commencement of Act.

XXII. This Act shall commence and take effect from and after the first day of May 1857.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee who are to report thereon after the 11th of April next:—

A Bill for raising Funds for making and repairing Roads in the Suburbs of Calcutta and the Station of Howrah.

Preamble.

WHEREAS considerable sums are expended annually by Government for making and repairing roads in the suburbs of Calcutta and the station of Howrah; and whereas it is just and expedient that such expenses should be defrayed by the inhabitants of the said suburbs and station in the same manner as the expense of making and repairing roads in the Town of Calcutta is defrayed by the inhabitants of the said Town; and whereas a tax has been imposed upon carriages and horses kept within the said Town, and it is expedient that a similiar tax should be imposed upon carriages and horses kept within the said suburbs and station:. It is enacted as follows:—

Expense of making roads to be defrayed by inhabitants.

I. The sums required for making and repairing roads within the limits of the said suburbs and station, except as hereinafter otherwise provided, shall be contributed by the inhabitants of the said suburbs and station, and shall be recovered in the manner hereinafter provided.

A tax to be imposed on carriages, horses, &c.

II. A tax shall be imposed upon all carriages, horses, ponies, and mules kept within the limits of the said suburbs and station as those limits are defined in Act 1857, at the rates specified in the annexed Schedule, and shall be payable quarterly by the owners or persons having charge of the same.

Exemptions.

III. Provided that the carriages and animals hereinafter mentioned shall be exempt from the tax, namely,

Gun-carriages, and Ordnance carts and waggons.

Cavalry horses.

Horses belonging to Officers doing regimental duty at the Presidency or in the said suburbs or station, at the rate of one horse for each Officer.

Carriages and animals kept for sale and not used for any other purpose, if kept by *bonâ fide* dealers in such carriages or animals.

Lieutenant Governor may appoint Collector of tax.

IV. The Lieutenant Governor of Bengal may appoint such person as he shall deem fit to be Collector of the carriage and horse-tax in the said suburbs, and in the said station.

What will constitute liability to the tax for a whole quarter.

V. Every person, who may have owned or had charge of any carriage or animal kept within the said suburbs or station for a period exceeding thirty days in any quarter, shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that, when any person owning or having charge of any carriage or animal shall transfer the same to another person, he shall give notice thereof to the Collector within one week of the date of such transfer, or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such carriage or animal shall not have exceeded thirty days.

Carriages under repair.

VI. When a carriage shall have been under repair at a carriage-maker's for more than thirty days in any quarter, the Collector shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

Collector may compound with livery stable-keepers.

VII. The Collector, at his discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the rates specified in the Schedule.

Carriages and horses let for hire to residents in the suburbs liable to the tax.

VIII. Carriages and horses, let out for hire and kept for the time being in premises situated within the said suburbs or station, although owned by livery stable-keepers or others not residing within the limits of the said suburbs or station, shall be subject to the tax, and the sums to be charged for such carriages and horses shall be recoverable from the persons in whose premises they are for the time being kept.

Registry and numbering of carriages for hire.

IX. Every carriage of the description rated in the Schedule at one Rupee and eight annas, kept within the said suburbs or station and let out for hire, shall be registered in the Office of the Collector and shall bear, in such manner as the Collector shall direct, the number of such registration. The registration shall be made and the number assigned annually upon such day in each year as the Collector shall appoint. Any person becoming possessed, within the year, of any such carriage which has not been

registered, may obtain registration on application to the Collector at his Office. When any registered carriage is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

Penalty for not registering.

X. Whoever keeps any such carriage, required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees, and the Collector or any Officer duly authorized by him may seize or cause to be seized any such carriage (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the horses or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the Collector or his Officer as aforesaid, to seize and detain the same. If the carriage as aforesaid be not claimed or if the fine be not paid within ten days, such carriage, together with the animals seized with it, may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Collector.

List of persons liable to tax to be prepared.

XI. The Collector shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at his Office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax assessed thereon.

Returns may be required for purpose of making list.

XII. In order to enable the Collector to make such list, the Collector or any Officer authorized by him may send to all persons supposed to be liable to the payment of the tax, a Schedule to be filled up with such information respecting the carriages and animals kept by them as the Collector may judge necessary for the assessment of the tax. The Schedule shall be filled up in writing, and signed and dated, and returned to the Office of the Collector by every person to whom it is sent whether or not liable to the payment of the tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Power to summon persons liable to tax.

XIII. The Magistrate on the report of the Collector may, if he think proper, summon any person supposed to be liable to the payment of the tax, or any servant of such person, to appear before the Collector; and the Collector may examine such person or his servant as to the number and description of the carriages and horses in respect of which such person is liable to be assessed. If the person summoned shall, without lawful excuse, fail to appear in pursuance of the summons, or shall refuse to answer any lawful question of the Collector, or knowingly give an incorrect answer, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Appeal against assessment may be made to Magistrate.

XIV. Any person who may dispute his liability for any assessment made under the foregoing provisions of this Act or the amount of any such assessment, may appeal to the Magistrate. Provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Magistrate's decision final.

XV. The decision of the Magistrate upon every such appeal shall be final and conclusive; and no person shall be entitled to contest any assessment made under the foregoing provisions of this Act, in any other manner than by appeal to the Magistrate as hereinbefore provided.

Bill to be presented.

XVI. When any sum is due on account of the said tax, the Collector shall cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the carriages and animals for which the charge is made, together with a notice of the time within which an appeal may be preferred.

Notice of demand.

XVII. If the bill is not paid by the person liable to pay the same within five days from the presentation thereof, the Collector may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act, or to the like effect; and if such person shall not, within five days from the service of such notice of demand, pay the sum due or show sufficient cause for non-payment of the same to the satisfaction of the Collector, and if no appeal shall have been preferred, such sum with all costs may be levied by distress and sale of the goods and chattels of the defaulter under a warrant in the form (B) in the Schedule, or to the like effect, to be issued for that purpose by the Collector.

Inventory and notice of sale.

XVIII. The Officer charged with the execution of the warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

XIX. If the arrear is not paid with costs, or the warrant is not discharged or suspended by the Collector, the goods and chattels seized shall be sold under the orders of the Collector, who shall apply the proceeds or such part thereof as may be necessary in discharge of the said arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the table of fees in the said Schedule.

Fees.

Collector may sue instead or on failure of distress.

XX. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or part of any sum due in respect of the tax, the Collector may sue the

person liable for the same in any Court of competent jurisdiction.

Estimate of probable expense of making and repairing roads to be prepared annually, and published.

XXI. Previously to the first day of May of each year an estimate shall be prepared of the amount required during the year for the purpose of making and repairing roads in the said suburbs and in the said station; and such estimate, when sanctioned by the Lieutenant Governor, shall be published in the *Official Gazette* for general information.

If estimate of expense exceed estimated produce of carriage and horse tax, excess how to be recovered.

If the said estimate shall exceed the sum which the carriage and horse-tax is estimated to produce, with the addition of such further sums as may be assigned by Government for the said purpose out of the Ferry Fund, or any other public fund, such excess shall be added to the amount of the assessment or rate to be levied in the said suburbs and station under Act XX of 1856, and shall be made and recovered according to the provisions of that Act.

Proviso.

Provided, however, that the limitation prescribed for an assessment or rate by Section XI of the said Act shall not be applicable to any assessment or rate made under this Act.

Collections and fines to be paid to suburban roads fund.

XXII. The proceeds of any assessment or rate made as aforesaid shall be kept distinct from the proceeds of the assessment or rate made for the purposes of the said Act XX of 1856, and such proceeds, together with all sums received by the Collector of the carriage and horse-tax and all sums assigned by Government as above provided, and all fines and penalties levied under this Act, shall form a fund which shall be called in the suburbs of Calcutta "the suburban roads fund," and in the station of Howrah "the station roads fund."

Appropriation of fund.

All expenses incurred for the purpose of this Act shall be defrayed from the said fund, and the residue shall be applied exclusively to making, repairing, and improving roads within the limits of the said suburbs and station. Provided that no payment shall be made from the said fund for the repair of such roads or parts of roads as are hereinafter described, namely, in the said Suburbs—

The Barrackpore road with the Lock-gate road.

The road from the Cossipore gun-foundery to Dum-Dum.

The Belgatchya or Dum-Dum road.

The Behalea or Diamond Harbour road from the cross road to Allipore and Tollygunge.

The Budge Budge road.

The Gurreahhath or Culpee road from the end of Old Ballygunge road.

The Canal roads, and the roads leading from the Canals and Salt-water lake into the Town, namely, the Balliaghutta, Narkooldangah, Manicktollah, Ooltadunga, Gooreeparah, South Sealdah, Khooleah, Nimtollah, Joumajoy Baboo's Khodagunge, and Khodghatta roads, and the Soorah road between the Balliaghatta and Narkooldanga roads.

In the said Station—

The Hooghly road from the part where it is crossed by the Old Benares road.

The Old Benares road from the same point—or for making or maintaining any part of any other main road of communication between the Town of Calcutta and the interior of the country which may hereafter be constructed.

Statement of expenses incurred, and of receipts and disbursements of fund, to be published annually.

XXIV. The Lieutenant Governor of Bengal shall cause Statements to be prepared annually of all expenses incurred on account of making, repairing, and improving the roads of the said suburbs, and of the said station, and of all sums credited to, and disbursed from the suburban roads fund and the Howrah station roads fund, and the said Statements shall be published in the *Official Gazette* for general information.

SCHEDULE.

	Rupees per Quarter.		
For every 4-wheel carriage on springs drawn by two horses	4	8	0
For every 4-wheel carriage on springs, drawn by one horse, or pony, or a pair of ponies, under thirteen hands	1	8	0
For every 4-wheel carriage, without springs	1	8	0
For every 2-wheel carriage on springs	2	4	0
For every 2 wheel carriage without springs, drawn by a horse, pony, or mule	0	12	0
For every horse	2	4	0
For every pony under thirteen hands, or mule	0	12	0
Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.			

A.

NOTICE OF DEMAND.

Take notice that the Collector of the horse and carriage-tax for demands from you the sum of due from you for for the months of 185 ; and that if the sum due is not paid into the said Collector's office at or if sufficient cause for the non-payment of the sum is not shown to the Collector within five days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(Signature of the Collector.)

Date———

B.

DISTRESS WARRANT.

To *(here insert the name of the Officer charged with the execution of the warrant.)*

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due

for the taxes mentioned in the margin for the months of

185 ; although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the no tice of demand ; This is to command you to distrain the goods and chattels of the said to the amount of the said sum of Rupees and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels ; and having paid and deducted out of the proceeds of the sale the said sum of Rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to me together with this warrant.

(Signature of the Collector.)

C.

FORM OF INVENTORY AND NOTICE.

State particulars of goods seized.

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; and that, unless you pay into the Office of the Collector of the horse and carriage-tax for the amount due, together with the costs of this distress within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Collector.)

Date———

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 248.

Fort William, Home Department,
The 6th February 1857.

The following Extract (paragraph 1) from a Despatch No. 121 of 1856. dated the 17th December, from the Hon'ble the Court of Directors, is published for general information :

1. " We have permitted Mr. Richard Oliver " Heywood, who proceeded to Europe on fur- " lough for three years on July 1855, to return " to his duty on your Civil Establishment, his " right to a second furlough on private affairs for " one year after ten years further residence being " reserved to him in accordance with Chap. IV. " Section XV. of the New Rules."

No. 263.

The following Extract (paragraph 1) from a Despatch No. 20 of 1856, dated the 17th December, from the Hon'ble the Court of Directors, is published for general information :

1. " With reference to your letter in this De- " partment, dated 25th September 1856, No. 20 " we have to inform you, that the Reverend R. B. " Boswell has been permitted to retire from the " Company's Service from the 24th March 1856."

The Reverend H. H. Harington, Assistant Chaplain, is promoted to the rank of Chaplain from the 25th March 1856.

No. 286.

The 7th February 1857.

Mr. C. K. Dove, Deputy Post Master General at Calcutta, received charge of the Office of Post Master General of Bengal, from Mr. J. R. B. Bennett on the 5th instant.

No. 287.

The services of the Revd. H. Sturrock, Chaplain, and of the Reverend T. A. C. Firminger, Assistant Chaplain, who returned from furlough on the 3rd instant, are placed at the disposal of the Government of Bengal.

No 289.

The 10th February 1857.

The Right Hon'ble the Governor General in Council is pleased to attach Messrs. L. R. Tottenham and W. B. Jones, of the Civil Service, reported qualified for the Public Service, the former to the Bengal Division of the Presidency of Fort William, and the latter to the North-Western Provinces, the Punjab, and Oude.

under Reg... for two mon... No. 290.

The ... V. of th... Gentlemen, appointed by the Hon'ble Court of Directors Members of the Civil Service in the Bengal Establishment, reported their arrival at the Presidency on the dates and by the ships specified opposite to their names :

Mr. D. J. McNeile .	31st Jan. 1857, Ship *Alfred.*
„ E. E. Lewis	1st Feb. 1857, Steamer *Hindostan.*
„ R. G. Currie	
„ W. G. L. Lune ...	
„ F. B. Peacock ...	
„ H. D. Sweeting	3rd Feb. 1857, Steamer *Scotland.*

CECIL BEADON,
Secy. to the Govt. of India.

No. 288.

The 9th February 1857.

With reference to the Notification, No. 1824, dated the 9th December last, the following Additional List is published of Subscriptions to the Patriotic Fund, received by the Secretary to the Government of India in the Home Department, from the 22nd December 1856 to the 19th January 1857, both inclusive, and remitted to the Secretary at the India House for transmission to the

Honorary Secretaries of the Royal Commission of the Patriotic Fund in London :

Agra	Second Moiety of Mr. E. H. Morland's Subscription	0	0	0	300	0	0
Gyah	Contributions of the Mofussil Opium Omlah of the Gyah Division ..	0	0	0	81	12	0
Moradabad ..	W. S. Stiven, Esq., M. D.	100	0	0	0	0	0
"	Revd. J. Robinson	50	0	0	0	0	0
"	F. Warwick, Esq.	30	0	0	180	0	0
		Co.'s Rs.			561	12	0

or £60-11-3, which sum was remitted on the 7th instant, by a bill drawn by the Secretary to the Agra and United Service Bank, on the London Agent of that Bank.

By order of the Right Hon'ble the Governor General in Council,

CECIL BEADON,
Secy. to the Govt. of India.

No. 605

Fort William, Foreign Department,
The 10th February 1857.

The Governor General in Council is pleased to appoint Lieutenant E. P. Gurdon, of the 33rd Regiment N. I., to be Adjutant of the 7th Regiment of Infantry, Gwalior Contingent, *vice* Lieutenant W. Rose, promoted.

No. 606.

The Governor General in Council is pleased to grant to Colonel Sir A. Bogle, Kt., Commissioner of the Tenasserim and Martaban Provinces, leave of absence for two months, to visit the Presidency, preparatory to applying for further leave to Europe.

G. F. [illegible]
Secy. to [illegible] *India.*

No. 11.

Fort William, Financial Department,
The 6th February 1857.

Notification.—Read an endorsement from the Home Department, No. 122, dated the 23rd ultimo, forwarding for consideration and orders a letter, No. 14, dated the 7th idem, from the Chief Secretary to the Government of Fort St. George, having reference to the absence of Uncovenanted Servants drawing salaries of less than 100 Rs. a month.

RESOLUTION.—On the 25th July last, it was resolved by this Government, with a view to ensure a correct calculation of the periods of Service entitling Uncovenanted Servants to pension, that the Heads of Public Offices and Departments under the control of the several Governments should furnish, on the 1st May of each year, to the Civil Auditors and the Military Auditors General of the several Presidencies, an Annual Return showing the Leave of Absence granted during the year, (preceding), under the New Uncovenanted Civil Service Absentee Rules, to those Uncovenanted Servants whose leave might not have been notified in the *Gazette.*

Referring to this Resolution, the Government of Madras observes that, as the New Rules are restricted in their operation to Uncovenanted Servants in the receipt of salaries of Rupees 100 a month and upwards, the above orders would not appear to apply to Uncovenanted Servants whose salaries are below that amount, and that if such be the intention of this Government, there is nothing to prevent the entire periods of absence of Uncovenanted Servants of the latter class counting as service towards pension. Definite orders, however, are solicited on this point and also on a question raised by the Civil Auditor at Madras "whether it is not left optional with the Heads of Offices to grant leave of absence to persons whose salary is less than 100 Rupees a month, for a limited period, either on Sick certificate or private affairs, making such stoppages as they may think proper, the stoppages thus made being paid to the individuals performing the duties of the absentee and no extra expense being incurred to the State"

On this solicitation of the Government of Madras, the Right Hon'ble the Governor General in Council is pleased to direct that, in granting leave of absence either on Medical certificate or on private affairs to Uncovenanted Servants whose salaries are less than 100 Rupees per month, the Heads of Offices shall be guided by the spirit of the Rules prescribed for those servants who are in the receipt of salaries of Rupees 100 a month and upwards; that all cases in which leave is *so* granted to Uncovenanted Servants whose salaries are less than 100 Rupees per month, shall be reported to the Civil Auditor and the Military Auditor General respectively in the manner prescribed in the Orders of the 25th July last; and that all *past* leave enjoyed by any such Uncovenanted Servant shall be counted as service under the orders of the Honorable the Court of Directors noted in the margin, although such leave may have exceeded the period allowed under the new Uncovenanted Civil Service Absentee Rules.

Para 44 of Court's Despatch No 38 of 1856, dated 13th May, published in the *Calcutta Gazette* of the 16th July last, page 1136.

ORDER.—Ordered, that a Copy of the foregoing Resolution be sent to the Home Department for communication to the Government of Fort Saint George.

Foreign, Military, Public Works.
Bengal.
Bombay.
N. W. Provinces.
Straits' Settlements.

Ordered also, that a transcript of the above Resolution be forwarded to the Departments and the Governments noted in the margin, and also to the Civil Auditor at Fort William.

Ordered further, that the above Resolution be published in the Calcutta Official *Gazette* for general information.

By Order of the Right Hon'ble the Governor General in Council,

C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

No. 196.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 7th February 1857.—Mr. H. Stainforth to be a Member of the Board of Revenue.

Mr. A. Grote to be Commissioner of Revenue and Circuit of the Nuddea Division.

Mr. E. T. Trevor to be Secretary to the Board of Revenue.

Mr. F. A. Lushington to be Collector and Salt Agent of the 24-Pergunnahs and Collector of Calcutta.

Mr. E. F. Radcliffe to be Collector of Backergunge,

Mr. W. White to officiate as Civil Assistant Surgeon of the 24-Pergunnahs from the 23rd ultimo.

The 10th February 1857.—Mr. A. Abercrombie, Magistrate of Tipperah, to officiate also as Collector of that District until Mr. Montresor's arrival.

Leave of Absence.—The 6th February 1857.—Mr. W. C Taylor, Assistant Commissioner, Sonthal Pergunnahs, for two months on Medical certificate, under Clause 2, Section V. of the Uncovenanted Absentee Rules.

A. R. YOUNG,
Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 265 A. of 1857.

Judicial Department,

Head Quarters, the 3rd February 1857.

Appointments.—Assistant Surgeon J. Wilson, 17th Regiment Madras Native Infantry, to be Civil Assistant Surgeon of Seonee.

No. 268 A. of 1857.

Lieutenant J. Ritchie, of the Bombay Artillery, to be an Assistant in Jawud Neemuch. The appointment to have effect from the 12th September last.

No. 271 A. of 1857.

Notification.—Mr. J. H. Bax, Joint Magistrate and Deputy Collector of the 1st Grade, was, on his return from the leave of absence granted to him under the Orders of the 17th June 1856, posted to the Ghazeepoor District.

No. 7 B. of 1857.

Judicial Department,

The 5th February 1857.

Appointments—Mr. John Ross Hutchinson to officiate as Magistrate and Collector of Dehlie during the absence, on leave, of Mr. Egerton, or till further orders.

No. 10 B. of 1857.

General Department.

Mr. John Ross Hutchinson to officiate as Marriage Registrar in the Dehlie District until further orders.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 467 of 1857.

Judicial Department,

Agra, the 2nd February 1857.

Leave of Absence.—Mr. Charles Paget Carmichael, Joint Magistrate and Deputy Collector of Pilleebheet, from the 6th to the 12th October last, under Section XIV. of the Absentee Rules, in extension of the leave granted to him in Orders, No. 1575 A., of the 5th September last.

No. 486 of 1857.

Judicial Department,

The 3rd February 1857.

Erratum.—In Orders, No. 2422 A., dated the 27th December, vesting Mr. J. Thornton, Deputy Magistrate of Mhow, with the powers of a Joint Magistrate, *read* Mr. S. Thornton.

No. 418 of 1857.

General Department,

The 4th February 1857.

Leave of Absence.—The leave of absence, for one month, granted by the Lord Bishop of Calcutta, to the Revd. J. Robinson, Chaplain of Chunar, from such date as he may avail himself of the same, is confirmed.

No. 501 of 1857.

Judicial Department.

Erratum.—In Orders, No. 130 A., of the 20th ultimo, granting Mr. L. C. Probyn, Assistant Magistrate and Collector of Ghazeepoor, twelve months leave to visit Europe, on Medical certificate, under Section IV. of the Absentee Rules, for Section IV., *read* Section VI.

No. 508 of 1857.

Revenue Department.

Leave of Absence.—Fida Ally, Deputy Collector under Regulation IX. of 1833, in Zillah Allyghur, for two months, on Medical certificate, under Section V. of the Uncovenanted Leave Rules.

No. 510 of 1857.

Judicial Department.

Notification.—The Ferries at Ram Ghat (second class) on the River Nerbudda and at Bhyro Ghat (third class) on the Hirrun Nuddee, in Zillah Jubbulpore, are declared public under Regulation VI. of 1819, from the 1st January 1857.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 9th February 1857.

No. 218 of 1857.—The following Notifications, from the Foreign Department, are published in General Orders :

No. 566, *dated 4th February* 1857.—The Governor General in Council is pleased to appoint Lieutenant W. Carnell, of the 3rd European Regiment, to be Adjutant of the Mhairwarra Local Battalion, *vice* Lieutenant C. K. M. Walter, transferred to the Government, North-Western Provinces.

No. 567, *dated 4th February* 1857.—The Governor General in Council is pleased to make the

following promotions in the 7th Regiment of Infantry, Gwalior Contingent:

Captain J. D. MacDonald, Second in Command, to be Commandant, *vice* Major F. Maitland, resigned.

Lieutenant W. Rose, Adjutant, to be Second in Command, *vice* Captain MacDonald.

No. 568, *dated 4th Febru ry* 1857.—The services of the under-mentioned Officers are placed at the disposal of the Chief Commissioner of the Punjab, for special duty:

Brevet Major H. B. Lumsden, 59th N. I., Commanding the Corps of Guides.

Lieutenant P. S. Lumsden, 60th N. I., Deputy Assistant Quarter-master General, 1st Class.

No. 570, *dated 6th February* 1857.—Lieutenant-Colonel J. Clarke, Deputy Commissioner of Goojranwalla, has obtained leave of absence under the Military Rules for one month, from the 12th instant, preparatory to applying for furlough to Europe.

No. 572, *dated 6th February* 1857.—The Governor General in Council is pleased to appoint Lieutenant T. G. Glover, of Engineers, to be an Executive Engineer at Bhurtpore, as a temporary arrangement.

No. 219 *of* 1857.—The following Notifications, from the Public Works Department, are published in General Orders:

No. 13, *dated 6th February* 1857.—*Appointments.*—The Right Honorable the Governor General in Council is pleased to appoint Lieutenant W. R. Fitzgerald, of Artillery, to be an Executive Engineer of the 2nd Class, Pegu Circle, *vice* Lieutenant T. G. Glover, placed temporarily at the disposal of the Foreign Department.

No. 14, *dated 6th February* 1857.—Captain J. H. Wright, of the 1st Regiment Madras Native Infantry, 4th Class Executive Engineer of the Tonghoop Road, is appointed an Executive Engineer of the 3rd Class, and posted to the Culmejole Division Embankment, *vice* Lieutenant S. Black, appointed to another situation.

No. 15, *dated 6th February* 1857.—Lieutenant R. A. Smith, Probationary Assistant Engineer, 2nd Division Grand Trunk Road, is appointed an Assistant Engineer, 2nd Class, with effect from the 1st November 1856.

No. 16, *dated 6th February* 1857.—*Transfer.*—Lieutenant W. Jackson, of the 51st Regiment Native Infantry, Assistant Engineer, 2nd Class, is transferred from the Peshawur Division to the Peshawur District.

No 220 *of* 1857.—The following Notification, issued by the Honorable the Lieutenant-Governor, North-Western Provinces, is published in General Orders:

No. 242 *A.*, *dated 30th January* 1857.—*Appointment.*—Assistant Surgeon J. G. Kemp, M. D., of the 3rd Irregular Cavalry, to be Civil Assistant Surgeon of Saugor, from the date of Dr. Ford's departure from the station.

No. 221 *of* 1857.—The services of Assistant Surgeon H. W. Bellew, of the Corps of Guides, are placed specially at the disposal of the Foreign Department.

No. 222 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe, on leave of absence, on Sick certificate:

Lieutenant John Palmer Turton, of the 26th Regiment Light Infantry...	For eighteen months, under the new Regulations.
Assistant Surgeon Alfred James Dale, M. B., of the Medical Department	For eighteen months, under the new Regulations.

No. 223 *of* 1857.—The leave of absence to proceed to Europe, on Sick certificate, granted to Captain F. Alexander, of the Regiment of Artillery, Officiating Executive Officer of the Dinapore Division, Department Public Works, in Government General Order No. 931, of the 14th September 1855, is extended to the 5th January 1857, the date on which that Officer reported his return to Bengal, and without prejudice to his staff appointment.

No. 224 *of* 1857.—The Raja of Benares being about to proceed on a pilgrimage to Gya, it is hereby ordered, that all Military Functionaries, through whose Districts His Highness may pass, shall show him every attention and consideration due to his rank.

It is further ordered, that a Salute of 13 Guns be fired on the Rajah's arrival at, and departure from, every Station through which he may pass.

Fort William, 10th February 1857.

No. 225 *of* 1857.—The Right Honorable the Governor General of India in Council is pleased to make the following promotions:

40th Regiment Native Infantry.

Lieutenant Philip Rubie to be Captain of a Company	From the 20th January 1857, in succession to Captain and Brevet Major Lowther Thomas Forrest, retired.
Ensign Hardress Edmond Waller to be Lieutenant...	

No. 226 *of* 1857.—The under-mentioned promotions will take place consequent on the death of the following Officer:

Major General Stephen Moody, Bengal Infantry, died on the 28th November 1856.

Brevet.

Lieutenant Colonel William Robert Andrew Freeman, Madras Infantry, to be Colonel in the Army	From the 28th November 1856.
Captain and Brevet Major John Smith DuVernet, Madras Infantry, to be Lieutenant Colonel in the Army	
Captain John Cockerell Phillips, Bengal Infantry, to be Major in the Army	

No. 227 *of* 1857.—Senior Apothecary William Foy, of the Subordinate Medical Department, is permitted to retire from the Service of the East India Company on the pension of his rank, *viz.* Rupees Seventy-five per month, and to reside and draw his stipend in India.

No. 228 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to cancel the Government General Order, No. 1205, of the 23rd November 1855, which authorizes an advance of Passage-money to Officers of Her Majesty's Service when promoted or transferred on public grounds from a Regiment in India to one on the Home Establishment, and to notify, under instructions from the Home Authorities that, under the limitation specified in the Contract, passages for Officers of Her Majesty's Service who have no claim to be conveyed at the cost of the Government of India, but are entitled to a passage at the public expense, under the War Office Regulations, "will be ordered "by the senior Naval Officers on the several sta- "tions, or by the Admiralty Agents, on board the "Packets (of the Peninsular and Oriental Steam "Navigation Company) on application for the "purpose being made by the Military Command- "ing Officer."

In all such cases "it should be left entirely "to the Naval Department to arrange the pay- "ment for the passage"

Officers entitled to passage under the above Rules must apply to the Chief Staff Officer of Her Majesty's Troops at the Presidency, who will, under orders of the Commander-in-Chief, make the necessary application to the Senior Officer of the Royal Navy, or to the Admiralty Agent as the case may be.

This order is applicable to the three Presidencies.

No. 229 *of* 1857.—The following Order, issued by the Government of Bombay, is confirmed :

Dated 31*st January* 1857.—Granting leave of absence to Europe, on Medical certificate, to Captain and Brevet Lieutenant Colonel James Travers, of the 2nd Regiment Native Infantry, (Grenadiers), Commandant of the Bhopal Contingent	For fifteen months, under the new Regulations.

No. 230 *of* 1857.—It is hereby notified, for general information, that the under-mentioned Family Remittances of Commissioned and Non-Commissioned Officers and Soldiers of the Royal Army and of the East India Company's Service, and Effects and Credits of deceased Commissioned and Non-Commissioned Officers and Soldiers of the Royal Army, have been included in the General Quarterly Rolls, commencing the 1st of November 1856, and ending the 31st of January 1857, of the Accountant General's Office, Military Department, which were forwarded to the Hon'ble the Court of Directors by the Peninsular and Oriental Company's Steam-vessel *Bengal* which left Calcutta on the 9th instant.

The Royal Army.

Sums paid into the Treasury of the Pay Master to the Queen's Troops, on account of Family Remittances and Effects and Credits during the months of November, December 1856, and January 1857.

East India Company's Troops.

Sums paid into the Pay Office Treasuries at the Presidency, Benares, Cawnpore, Meerut, Rawul Pindee, Umballa, Lahore, Gwalior, Jullunder, and Lucknow, during the above months.

No. 231 *of* 1857.—The under-mentioned Officer, of the Artillery, is promoted to the rank of Captain by Brevet, from the date expressed opposite to his name :

Regiment of Artillery.

Lieutenant Edward Atlay...30th January 1857.

No. 232 *of* 1857.—Quarter-master Serjeant George Connor, 1st Battalion Artillery, a Probationer in the Artillery Depôt of Instruction, is appointed to officiate as Sub-Conductor in the Ordnance Commissariat Department, from the 29th January 1857, the date on which he passed the prescribed Examination, leaving the date of his Warrant for future adjustment.

R. J. H. Birch, *Colonel,*
Secy. to the Govt. of India,
in the Mily Dept.

Notification.

Bills at par on the Public Treasuries of the under-mentioned Districts may be had on application to the Accountant to the Government of Bengal :

Districts.	*Amounts available on this date.*
* Balasore	... 1,50,000
* Bogra	... 1,15,000
* Bulloah	... 3,00,000
* Cuttack, C. D.	... 2,50,000
Furreedpore	... 20,000
Nudden	... 1,00,000
* Pooree	... 2,00,000
Sylhet	... 2,00,000
* Tipperah	... 4,00,000

G. G. Mackintosh,
Acct. to the Govt. of Bengal.

Accountant's Office,
The 10th Feby. 1857.

* *N. B.*—These Treasuries will be cleared shortly, if the amounts available are not taken up in Bills.

Bills applied for after 2 P. M., will not be issued till the following day.

Notice.

THE General Treasury will be closed on Monday, the 23rd instant, on account of the Hindoo Holiday, Sheebo Rattree.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 10th February 1857.

For Dacca and Assam.

THE Steamer *Thames*, with the Flat *Goomtee* in tow, will be despatched about the 20th instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

(Signed) J. WOODLEY,
Clerk of the Govt. Boat Office.

The 7th February 1857.

Calcutta University.

ENTRANCE EXAMINATION 1857.

IT is hereby notified, with reference to para. 4, in the original Notification as to Entrance Examination 1857, published in the *Calcutta Gazette* of Wednesday, 14th January, that the testimony as to the age and moral character of Candidates, and the Notice as to the languages in which they may desire to be examined, must be conveyed whether to the Registrar on or before the 23rd March, or to Secretary to the Local Committee of Public Instruction, at any of the authorized places in the form following, *viz.* :

I certify that , a Candidate for the Entrance Examination of the Calcutta University, has, to the best of my belief, attained his age of 16 years, and is of good moral character, and that he has in writing expressed his desire to be examined in the two languages following :

1———
2———

(Signed)———

Dated———

By order of the Vice-Chancellor,

W. GRAPEL, M. A.,
Registrar.

CALCUTTA UNIVERSITY,
The 9th of February 1857.

Calcutta University.

ENTRANCE EXAMINATION 1857.

It is hereby notified, that as Friday, the 10th of April next, happens to be Good Friday, and as Saturday, the 11th, is a Hindu Holiday, the Entrance Examination in Mathematics and Natural Philosophy for 1857, published in the *Government Gazette* of the 14th January, as to take place on Friday, the 10th, is postponed to Monday, the 13th of April.

By order of the Vice-Chancellor,

W. GRAPEL, M. A.
Registrar.

CALCUTTA UNIVERSITY,
The 9th of February 1857.

Notice.

SEALED TENDERS for watering the Roads in the Garrison of Fort William, for 3¼ months. that is, from the 15th February to 31st May 1857 (more or less), will be received in the Office of the Garrison Engineer until the 10th instant, Tuesday.

All further information may be obtained by applying personally to the Garrison Engineer, between the hours of 11 and 4 daily.

CHARLES J. HODGSON, *Captain,*
Garrison Engineer.

FORT WILLIAM,
The 2nd February 1857.

NOTICE is hereby given, that an Examination will be held on Tuesday, the 24th February 1857, for the purpose of testing the acquirements of Candidates for Certificates of qualification as Regimental Moonshees and as Teachers of the Unpassed Civil Servants, according to General Orders by the President of the Council of India, dated 9th October 1850, and the Government Notification, dated the 24th January 1854, respectively.

Candidates are requested to send in their applications stating the language or languages to be passed in. on or before the 21st proximo.

By order of the Board of Examiners,

E ST. GEORGE, *Captain,*
Offg Secy. to the Board of Examiners.

BOARD OF EXAMINER'S OFFICE ;
No. 1, Little Russell Street,
The 29th January 1857.

اشتہار دادہ میشود

کہ حسب الحکم جنرل آرڈر مورخۂ نہم اکتوبر سنہ ۱۸۵۰ ع وموافق حکم گورنمنٹ مورخۂ بست وچہارم جنوري سنہ ۱۸۵۴ ع امتحان امیدوارآن عہدۂ منشیگري پلٹن وتدریس صاحبان اہل قلم دربورڈ آف اِکزامنرس بتاریخ بست وچہارم ماہ فروري سنہ حال روزسہ شنبہ مقرر گردیدہ است ہرکرا امتحان دادن منظور باشد باید کہ تا بست ویکم ماہ مذکور قطعہ درخواست نامہ بقید زبان یعني درکدام زبان امتحان خواہند داد نوشتہ نزد سکرٹري بورڈ مذکور بگذراند ، تحریرفي التاریخ بست ونہم جنوری سنہ ۱۸۵۷ ع

واضح باد کہ دفترخانۂ مذکور درلیٹل رسل اسٹریٹ چورنگي واقع است

By order of the Board of Examiners,

E. ST. GEORGE, *Captain,*
Offg. Secy. to the Board of Examiners.

Advertisement of the Soonderbun Commissioner's Office.

NOTICE is hereby given, that the under-mentioned Lots, situated within the limits of the Backergunge and Jessore portions of the Soonderbuns, will be sold at the Station of Burrisaul, by the Soonderbun Commissioner, on Friday, the 20th day of February 1857, corresponding with the 10th Falgoon 1263.

2. The highest bidder will be entitled to the Lots, on depositing, immediately after the Sale, the full amount of his Purchase-money, on condition that the Sale is sanctioned by the higher Authorities; otherwise the money will be refunded to the party without interest. On confirmation of the Sale, the Pottah will be drawn up in the name of the Purchaser, under orders of the Government of the 24th September 1853, and will be made over to him after registry at the Office of the Board of Revenue, Lower Provinces; and the Purchaser will become the grantee of the lands under the conditions prescribed in the Pottah, save and except such lands as may be required by Government for the manufacture of Salt.

3. It is further notified, that intending Purchasers, who are desirous to inspect the Map of the Lots, or to obtain any information connected with them, and their present condition, can learn the same by attending either personally, or through their Agents, at the Office of the Commissioner of the Soonderbunds at Burrisaul.

No. of Lot.	Estimated Quantity of Land in Beegahs.	Remarks.
Jessore portion of the Soonderbuns.		
241	5414	These Lands are situated to the South of Tateeboneah, on the Kurmah River.
242	25894	Ditto ditto ditto.
243	4840	On the Bholah River.
244	13733	On the Chechan River.
245	11797	On the Sêllah River.
246	13701	Near the Bholah River.
247	10666	On the Pussur River.
248	11909	To the West of Lot 247.
249	7441	To the West of Lot 248.
250	12183	To the South of Lots 248 and 249.
251	16728	To the West of Sêllah River.
Backergunge portion of the Soonderbuns.		
Nos. 4 and 5 of Khauleah, Burrisaul	69772	The boundaries of these two Lots have been readjusted, so as to give both a River facing on the Bulissur River. A Map showing their respective boundaries may be seen at the Commissioner's Office. The two Lots will be sold separately, their respective arrears will be notified on the day of Sale. The cultivated portions of these Lots to be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 6 of Khauleah, Burrisaul ...	36995	The cultivated portions of these Lots will be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 7 of Khauleah, Burrisaul ...	47150	On the Bulissur River.
Panchakaraleah, on the Ilah River ...	6760	The cultivated portions of this Lot will be included in the Grant after assessment, under Rule 4 of the Government Orders of the 24th September 1853.
Chaudo Khallee East of above Lot	8120	Ditto.
Rochoopatra, West of above Lot ..	10820	On the Neelgunge River.

J. H. Reily,
Commissioner of Soonderbuns.

Soonderbun Commissioner's Office;
Burrisaul,
The 26th January 1857.

শুন্দরবনের কমিশ্যনরের দপ্তরখানার ইস্তেহার।

ইহার দ্বারায় সংবাদ দেওয়া যাইতেছে যে মহামান্য শদর বোর্ডের আদেশমতে জেলা জশর ও বাকরগঞ্জের অধিন শুন্দরবন সংক্রান্ত নিম্নে লিখিত লাটহায়ের পাট্টা জেলা বাকরগঞ্জের বরিশাল মোকাম শুন্দরবন কমিশ্যনরের বৈঠকে ইংরাজী সন ১৮৫৭ সালের ২০ ফিব্রুআরি মোতাবেক সন ১২৬৩ সালের ১০ ফালগুণ শুক্রবার বেলা দুই প্রহরের সময় নীলাম হইবেক যে অতি উচ্চ মূল্য ডাকে তিনি লাট পাইবেন তৎক্ষণাৎ খরিদের সমুদয় মূল্য কমিশ্যনরকে দিতে হইবেক পরে গবর্ণমেন্টের সন ১৮৫৩ সালের ২৪ সেপ্তম্বর দিবসীয় ঝলাহজাই পাট্টা তাহার নামে প্রস্তুত হইয়া শদর বোর্ড রেবিনিউর মঞ্জুরিমতে তাহাকে দেওয়া যাইবেক এবং শরকারের বণ প্রস্তুত জন্য ঐ লাটহায়ের মধ্যের কিছু জমি লওয়ার প্রয়োজন হইলে তাহা ছাড়িয়া দিবার নিয়ম পাট্টায় লেখা যাইবেক পরন্তু খরিদার মজকর ঐ পাট্টার লিখিত নিয়মানুসারে জমিতে দখলকার হইয়া রাজস্ব আদায় করিবেক এবং আরো জানান যাইতেছে যে খরিদাকাঙ্খিত ব্যক্তিগণ কেহ ঐ জমির নকশা দেখিতে চাহিলে স্বয়ং কিম্বা মোক্তারের দ্বারায় কমিশ্যনরের উক্ত মোকামের বৈঠকে যাইয়া দেখিতে পারেন এবং নীলামের অপর বেওরা নীলামের সময় প্রকাশ করা যাইবেক তার যদিস্যাৎ এই নীলাম বোর্ড রেবিনিউর হজুরে মঞ্জুর না হয় তবে খরিদার পোনের টাকা বিনা শুদে ফেরত পাইবেক ইতি সন ১৮৫৭ সাল তারিখ ২৪ জানুআরি মোং বাঙ্গলা ১২৬৩ সাল ১২ মাঘ।

লাটের নম্বর ও নাম	আন্দাজি জঙ্গল জমা	কৈফিয়ৎ
জেলা জশরের মোতালক		
২৪১ নং	৫৪১৪/০	টাটী বুনিয়ার দক্ষিণ খড়মা নদীর কেনারা
২৪২ নং	২৫৮৯৪/০	ঐ ঐ
২৪৩ নং	৪৮৪০/০	ভোলা নদীর নিকট
২৪৪ নং	১০৭৩৩/০	চেচাম নদীর ধারে
২৪৫ নং	১১৭৯৭/০	সেলা নদীর ধারে
২৪৬ নং	১৩৭০১/০	ভোলা নদীর নিকট
২৪৭ নং	১০৬৬৬/০	পশর নদীর নিকট
২৪৮ নং	১১৯০৯/০	উক্ত লাটের পশ্চিমে
২৪৯ নং	৭৪৪১/০	ঐ লাটের পশ্চিমে
২৫০ নং	১২১৮৩/০	২৪৮ নং ও ২৪৯ নং লাটের দক্ষিণ
২৫১ নং	১৬৭২৮/০	সেলা নদীর পশ্চিমে
জেলা বাকরগঞ্জের মোতালক		
চক খাউনিয়া বরিসালের ৪।৫ নং	৬১৭৭২/০	এই দুই লাটের সাবেক সীমানা বদল করিয়া নূতন সীমানা দেওয়া এইরূপে গিয়াছে যে দুই লাটের ভূমীই বলেশ্বর নদীর কেনারায় পতন হইয়াছে ঐ দুই লাটের পৃথক২ ভূমীর ও সীমানার নিরাকরণ নীলামের সময় সকল খরিদারানকে জ্ঞাত করাণ যাইবেক এবং ইহার মধ্যে যে জমা হাসিল আছে তাহা ন১৮৫৩ সালের ২৪ সেপ্তম্বর তারিখের কলের ৪ বিধিমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামিল করা যাইবেক।
ঐ ৬ নং	৩১২১৫/০	বলেশ্বর নদীর ধারে ইহার হাসীল জমী উপরের লিখিত কলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামিল করা যাইবেক।
ঐ ৭ নং	৪৭১৫০/০	বলেশ্বর নদীর ধারে।
পচা কোড়ালিয়া	৬৭৬০/০	আয়েনা নদীর ধার ইহার হাসীল ভূমী উপরের লিখিত কলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামীল করা যাইবেক।
চান্দখালি	৮১২০/০	ঐ চকের পূর্ব্ব দগ ঐ কৈফিয়ৎ।
কচুপাতড়া	১০৮২০/০	ঐ লাটের পূর্ব্ব নীলগঞ্জ নদীর ধারে ঐ কৈফিয়ৎ।

Geological Museum,

IN CONNEXION WITH THE

GEOLOGICAL SURVEY OF INDIA,

HASTINGS' STREET, CALCUTTA.

THE Government of India having recently sanctioned a considerable extension of the "Museum of Economic Geology for India," which had for some years existed under the careful Superintendence of Mr. Piddington in connexion with the Asiatic Society of Bengal, the attention of all who may be interested in the study of Geology, and of all who may desire the internal improvement of this country, is solicited to the objects o this Institution; and their aid in the promotion of these objects is requested.

In the year 1840, a Museum of Economic Geology for India was established, under the sanction of the Honorable the Court of Directors. Its objects and aim were clearly set forth in a brief statement drawn up by Mr. Piddington, and freely circulated at the time. In conjunction with the Asiatic Society of Bengal, and in their Rooms, it grew into some importance, and gradually became the depository of many good and valuable specimens, illustrative of the mineral wealth of this country. But simultaneously with its growth, the Science of Geology itself was rapidly attaining its present development. All cognate Sciences were spreading their domain, and the results of investigations in each were becoming more widely and more largely known. Since then, also the study of Mineralogy, of Geology, and of Chemistry, has been introduced as a part of the established course of Education, and the practical applications of these Sciences to Mining and to Engineering generally will soon be as regularly taught in this country as they have been for years past in Europe.

The extension of the Museum had become, therefore, essential, if it were to keep pace with the progress of knowledge, and to retain any of its value as a means and aid to instruction. With this view, the Right Hon'ble the Governor General in Council has given orders for the formation, on a much more extended scale than hitherto, of a general Geological Collection, with a special view to illustrate the geological structure, the mineral wealth, and the manufacturing resources of this Empire. A commodious house has been rented for the purpose at present, and it is intended that abundant accommodation shall be provided for the Museum in the new building for the University in Calcutta, when the Geological Collection will form a portion of the general Collections of Natural History to be connected with that establishment.

In the Museum now in progress of formation every thing tending to illustrate the Geology of this country, in its widest sense, will find a place. The history of the Science, the progress of its investigations, the nature of its classifications, the phenomena with which it is concerned, the laws of those phenomena, will all be illustrated. The grand series of organisms, the remains of which occur in such abundance in various deposits, will be exhibited, and the whole Natural History of rocks traced out, so far as collections enable this to be done. By the aid of Drawings, such objects as cannot be procured will be made familiar to the Student, and by the use of Maps, the structure of countries, which it would be impossible for many to visit, will be made known

While thus endeavouring to render the Student acquainted with the principles of the Science, the practical applications of these principles will, at the same time, be fully exhibited. Mining processes, mining products, and the principal metallurgical operations, will also be included, and the comparative excellence of each, so far as possible, made known. The building materials of the Country, and their applications, the localities where used, the durability, the facility of working, the strength, &c., of the stones, will all be examined into. The importance of Mineral Waters must not be overlooked, and the value of these will be determined by careful investigations.

Further, in a country so essentially agricultural as India, the character of the soils and sub-soils, their peculiar adaptation to peculiar crops, their composition, and, in dependence upon this, the easiest means of renewing or increasing their fertility; all these are important questions which at once connect themselves with the researches of the Geologist, inasmuch as the natural powers of any soil depend essentially on the source from which that soil has been derived, and therefore on the geological structure of the district.

To enable such enquiries to be effectively carried out, a small Laboratory is attached to the Museum, where such analyses and investigations as may be requisite will be carried on; and it is hoped that most valuable, because accurate and detailed, information may thus be acquired.

Moreover, careful summaries of all existing knowledge on the geological structure of the Country, will be compiled and arranged, so as to facilitate reference. Much has been done in investigating the geological structure of this Country, and very valuable papers have been given to the public, descriptive of various parts of India. But these facts are scattered through various periodicals, are often only incidentally noticed in travels, or can be found only in manuscript among the Records of Public Offices. Many of these are with difficulty intelligible, from the writers frequently calling similar objects by different names, or *vice versâ*. It is, therefore, necessary to obtain the key to the terms used before these can be compared. It will be an object with the Officers of the Geological Survey to remove this difficulty, and to bring into an accessible form every thing which has been published bearing on the geological structure, the mineral wealth, or the manufacturing industry (so far as this is concerned with mineral products) of this Empire.

The Museum of Geology has been placed in connexion with, and under the same superintendence as, the Geological Survey of India. By this means opportunities will be afforded of procuring a very perfect series of the rocks, fossils, and minerals of the districts visited by that Survey. But the aid of all is solicited in completing such local collections as may illustrate the structure of the several districts. Every one will be able to contribute something of value. Those permanently resident in any locality have infinitely greater advantages and facilities for procuring good illustrations of its mineral structure and products than any visitor could enjoy, and from such we confidently look for much that will prove of great interest and of great value. Every thing which can, in any way, tend to illustrate the rocks, the fossils, the minerals, or the practical applications of these will prove interesting.

Regarding the nature and properties of all specimens forwarded, the fullest information will be freely afforded, on application to the Curator of the Museum. Organic remains will be examined, and, so far as possible, carefully named for contributors, and every facility given for the investigation of any particular subject or any particular line of research connected with Geology.

The formation of a Library of reference, in connection with the Museum, has been sanctioned, and has already made considerable progress. Under proper restrictions, this will be accessible to all Students of Geology, and others interested in such enquiries.

Catalogues of the several departments of the Museum will be issued from time to time. Public Officers, and other persons in all parts of India, are requested to send contributions. All specimens, carefully packed, may be forwarded by the safest and most economical mode of conveyance, addressed to

THE MUSEUM OF GEOLOGY,
No. 1, HASTINGS' STREET,
Calcutta.

And it is requested that a communication stating fully the wishes of the donors may, at the same time, be forwarded by post to

THE DIRECTOR OF THE MUSEUM OF GEOLOGY,
No. 1, HASTINGS' STREET,
Calcutta.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of John Gore, of Colingah, in Calcutta, a Clerk in the service of the East India Railway Company, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 17th day of February instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Sherrington, *Attorney.*

In the matter of Connyloll Sadoo, of Seboo Takoor's Lane, in Burra Bazar, in Calcutta, an Assistant in the India Bullock Train Dawk Company, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 17th day of February instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Gillanders, *Attorney.*

Chief Clerk's Office, 10th February 1857.

In the Court for Relief of Insolvent Debtors at Singapore.

In the matter of *Shaik Obed bin Abdulrahman Doraihim*, of Singapore, Trader, formerly carrying on business as a Trader at Palembaug, in the Island of Java, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI., Victoria cap. XXI., was filed in the Office of the Chief Clerk on the 22nd day of January instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of *Shaik Obed bin Abdulrahman Doraihim*, of Singapore, Trader, formerly carrying on business as a Trader at Palembaug, in the Island of Java, an Insolvent.

On Thursday, the 22nd day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday, the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

In the matter of *Ahmed Sumbaug*, a prisoner for debt in H. M's. Gaol at Singapore, formerly carrying on business as a Trader, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI., Victoria cap. XXI., was filed in the Office of the Chief Clerk on the 26th day of January instant, and by an order of same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of *Ahmed Sumbaug*, a prisoner for debt in H. M's. Gaol at Singapore, for merly carrying on business as a Trader, an Insolvent.

On Monday, the 26th day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday, the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

In the matter of *Arnashellum*, late an Owner of Registered Palanquin Carriages, in Singapore, an Insolvent.

On Wednesday, the 28th day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday, the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

GEO. W. LECERF,
Chief Clerk.

CHIEF CLERK'S OFFICE,
Singapore, 31st January 1857.

Report shewing the smallest Depth of Water in the Bhaugiruttee, Jellinghee, and Mata bangah Rivers on the 31st January 1857.

Names of Rivers.	Smallest Depth of Water. F.	I.	Where Shallowest.
*Bhaugiruttee River.**			
At its entrance ...	0	0	Closed.
Below the entrance,..	0	0	
From thence to Jungypore ...	0	0	
From Jungypore to Sadduckbaugh...	0	9	At Sampore.
From Sadduckbaugh to Berhampore ...	2	0	Below Kurbollah.
	2	3	At Pattanparrah.
	1	9	„ Berhampore.
From Berhampore to Cutwa ...	2	0	„ Jalaulpore.
	1	7	„ Manickdhee.
And from Cutwa to Nuddea ...	1	9	„ Chackoondeah.
	2	10	„ Khosaulpore.
	1	9	„ Bollodangah.
Jellinghee River.			
At its entrance ..	0	0	Closed.
From thence to Bausmarree ...	0	0	
From Bausmarree to Teeahkattah	0	2	Below Koobleah.
From Teeahkattah to Sonatullah ...	1	3	At Radhanugghur.
And from Sonatullah to Moisgunge	1	9	„ Sonatullah.
Matabangah River.†			
At its entrance ...	4	0	
From thence to Haut Boleah ...	2	8	At Sodasibpore.
	2	6	„ Kaddypore
	2	10	„ Bholladangah.
	4	3	„ Boleah Entrance.
From Haut Boleah to Katchikattah ...	1	6	Above Moorbangah.
	1	6	At Bhaugberriah.
	1	6	„ Bansberriah.
	2	0	„ Gyegattah.
	1	9	„ Bunderbhittah.
	2	0	„ Foolbogadhee
	2	0	„ Onoopuugghur.
From Katchikattah to Kishengunge	2	0	Below Boalmarree.
	2	3	Below Soobulpore.
	3	8	At Malleegattah.
	3	8	Above Tahldah.
	2	0	At Doorgahpore.
And from Kishengunge to Seebpore	3	0	„ Hurdum.

Height of water on Gauge at Berhampore, on the 31st January 1857, + 1 Foot 10 Inches.

H. T. FORBES, *Lieut.*,

Supdt., Nuddea Rivers.

On the Matabangah River,
6th February 1857.

* Since last Report the Channel of this River, at Pattanparrah, has been deepened by the construction of Bandahls from 1' 6" to 2' 3", and at Khosaulpore from 2' to 2' 10".

† Since last Report, the Channel of this River, at Bunderbhittah has been deepened by the construction of Bandahls from 1' 6" to 1' 9", at Foolbogadhee from 1' 6" to 2', below Soobulpore from 2' to 2' 3", at Malleegattah from 2' 5" to 3' 8", and above Tahldah from 2' 7" to 3' 8".

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,

No. 2, Council House Street, } *Secretary.*
Calcutta. 30th January 1855. }

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent
On the purchase of Government or other Securities, ...	1-4th per Cent
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge.

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION ; }
Calcutta, 29th January 1855. }

Notice.

THE Interest and Responsibility of MR. ALEXANDER WALLACE ceased in our firm on the 10th December 1856.

(Signed) HENDERSON WALLACE & Co.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND Co., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.

THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND Co., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

LOST.—The second-half of a Bank of Bengal Note, No. 2319 k, for Company's Rupees (20) twenty, payment of which has been stopped at the Bank

LOST.—A Half of Bank of Bengal Note, No. 15623, for Company's Rupees 20, payment of which has been stopped at the Bank.

LOST.—First-half of Bank of Bengal Note, No. 30602, for Co.'s Rs. 10, payment stopped at the Bank.

LOST.—The Government Promissory Note, No. 106 of the 4 per cent. Loan of 1854-55, dated the 30th of June 1854, for Company's Rupees (1,000) one thousand, and bearing my blank endorsement, originally standing in the names of Hurrybole Chunder, Hurranomo Chunder, and Bolychand Chunder and last endorsed to Bolychand Chunder the proprietor, or standing in the name of Bolychand Chunder the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and of Interest there-upon has been stopped at the Loan Office; and application is about to be made to Government for the issue of a Duplicate Note in favor of the proprietor.

LOST.—The Government Promissory Notes, No. 4167, of the 5 per Cent. Public Works Loan, dated the 12th day of March 1855, for Company's Rupees 5,000, originally standing in the name of the Oriental Bank Corporation, and No. 1560 of 20206, of the 6th 4 per Cent. Loan, dated 30th June 1854, for Company's Rupees 1,000, originally standing in the name of Gungagobind Shaha, both of which Notes were lost, endorsed by the proprietor, Captain R. D. C. Bruce, now of Her Majesty's 82nd Regiment of Foot, to J. J. Bailey, Esquire, Ensign in Her Majesty's 29th Regiment of Foot, by whom they were never endorsed to any other person. Payment of the above Notes and of interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the proprietor.

PAUL & CARRUTHERS,
Solicitors for Captain Bruce.

CALCUTTA;
8, *Hastings' Street,*
The 24th November 1856.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

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SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notifications.

No. 1836.

Notification.

Table showing the New Rates of Steam and Inland Postage on Letters, &c., forwarded by H. M.'s Mail Contract Steamers.

Names of Places.	Route.	Letter.	Newspapers or Price Current.	Rates of Postage on Letters
Great Britain ... United States ..	Viâ Marseilles ...	... ...	Free ...	Not exceeding ¼ oz. 0 6 0 Exceeding ¼ oz. & not exceeding ½ oz. 0 8 0 „ ½ oz. „ ¾ oz. 0 14 0 „ ¾ oz. „ 1 oz. 1 0 0 And so on, eight annas being added for every additional ounce or fraction of an ounce, and two annas French Postage for every additional quarter of an ounce, which includes Inland postage.
West Indies not a British Colony or to any Foreign Territories ... West Indies or to any British Colonies ...	Viâ Marseilles and the United Kingdom ...	Pre-payment optional	3 Pence 2 As.	
Canada or British North America ...	Viâ do. and the United States	... ...	4 Pence 3 As.	
Great Britain ...	Viâ Southampton	Ditto ...	Free ...	Not exceeding ½ oz. 0 4 0 Exceeding ½ oz. & not exceeding 1 oz. 0 8 0 And so on, adding 8 annas for every ounce or fraction of an ounce, which includes Inland postage.
Ditto ...	Viâ Trieste, ...	Must be prepaid ...	One Penny (9 pie) steam postage must be pre-paid*	
United States West Indies or Foreign Territories ...	Viâ Southampton	Cannot be prepaid ...	1 Penny 9 Pie.*	
Canada or British North America ...	Viâ do. and United States	Ditto ...	2 Pence 1 As. 6 P.	
Malta Gibraltar ... Ionian Islands ... Australian Colonies Mauritius or any British Colony, the route to which does not lie through Great Britain ... China (except Hong-Kong) ... Macao ... Canton ... Manilla ... Batavia ... Java ... Bourbon or any Foreign Ports, the route to which does not pass through Egypt	Viâ Galle ...	Must be prepaid ...	1 Penny 9 Pie*	Ditto.
Madras ... Ceylon ... Bombay ... Aden ...	Direct ...	Optional ...	Ditto* ...	Ditto.
Penang ... Singapore ... Malacca ... Hong-Kong ...	Viâ Galle ...	Ditto ...	Ditto* ...	Ditto.

Old Rates of Postage are applicable to the following Places and at the following Rates.

Names of Places.	Route.	Letters.	Newspapers or Price Current.	Rate of Postage on Letters.
France ...	Viâ Egypt, ...	Steam postage cannot be pre-paid	Steam postage cannot be pre-paid†	When posted at a Mofussil PostOffice, or for the After-packet, the Inland postage must be pre-paid.
Trieste ... Austria ... Alexandria ... Cairo ... Suez ... Places in Egypt or to any Foreign Port viâ Egypt ...	... ...	Must be pre-paid ...	1 Penny 9 pie*	Not exceeding ½ oz. 0 8 0 Exceeding ½ oz. & not exceeding 1 oz. 1 0 0 Exceeding 1 oz. & not exceeding 2 oz. 2 0 0 And so on, adding one Rupee for every ounce or fraction of an ounce, besides Inland postage when posted at Mofussil Offices or posted for an After-packet.
Foreign Europe ...	Viâ Marseilles or Trieste	Ditto ...	Ditto* ...	

* To be paid in Cash when Stamp cannot be used ; the postage is compulsory; and more than one Paper cannot be sent under one cover.

† Applicable to Price Current, Periodicals, Works stitched or bound, Books, Pamphlets, Sheets of Music, Catalogues, Prospectus, Announcements, and Notices of various kinds.

N. B.—Besides the Steam Postage entered in the Column for Newspapers and Price Current, an Inland Postage will be necessary when such papers are posted at Mofussil Post Offices, or when posted for an After-packet.

CALCUTTA ;
General Post Office,
The 2nd February 1857.

C. K. DOVE,
Deputy Post-master General of Bengal.

No. 1809.

NOTICE is hereby given, that the Mails for Madras, Ceylon, Mauritius, Cape of Good Hope, St. Helena, Ascension, and London, for transmission per Mail Contract Steamer *Robert Lowe*, will be closed at this Office, on Saturday, the 14th proximo.

Pre-payment on Letters to Madras, Ceylon, and London, is optional; but Letters for Mauritius, Cape of Good Hope, St. Helena, and Ascension, must be pre-paid at the following rates :

½ Ounce	...	0	4	0
1 „	...	0	8	0
2 „	...	1	0	0

So on, adding 8 annas for every Ounce or a fraction of an Ounce.

Newspapers and Price Currents must be pre-paid 9 Pie each, and when posted at a Mofussil Post Office, the Inland Indian Postage must be pre-paid in addition to Steam Postage.

Newspapers and Price Currents for Great Britain, when posted at Calcutta, cannot be pre-paid.

Only one paper can be sent under one cover.

C. K. DOVE.
Deputy Post-master General.

CALCUTTA ;
General Post Office,
The 29th January 1857.

IT is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office, between Monday the 2nd February 1857, and Sunday the 8th February 1857, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified :—

Letters received on dates, from and to	*By what Ship despatched.*	*Bound to*	*Remarks.*
2nd to 8th Feby. 1857 ..	Steamer Fire Queen ..	Rangoon and Moulmein ..	Left town on the 9th Feb. 1857.
2nd to 8th ditto ..	Sutlej	Cape and London	Ditto on the 3rd ditto.
2nd to 8th ditto ..	Corrumulzie	Sydney	Will sail in a day or two.
2nd to 8th ditto ..	Mirzapore	Mauritius	Ditto ditto.

CALCUTTA ;
General Post Office,
The 10th February 1857.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA :— Printed and Published by JOHN GRAY, *at the* " CALCUTTA GAZETTE" OFFICE, *No. 54, Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 11, 1857.

LIST OF SEAMEN whose Register Tickets have been cancelled on account of Desertion, from the 1st August 1855 to the 31st July 1856.

Calcutta; Register Office of Merchant Seamen, the 20th January 1857.

Number.	Deserters' Names.	Number of Tickets.	Capacity.	Ships deserted from.	Date of Letter or Desertion.	Height Ft.	Height In.	Date of Ticket.	Marks on Person.
1	Rumzaun Allee, ..	27797	Landsman, ..	Regina, ..	1st Aug. 1855, ...	5	3½	1st April 1854,	Two round scars on the stomach.
2	Sultaun, ..	24776	C. Trimmer, ..	Ditto, ..	Ditto, ...	5	1½	25th Nov. 1853,	Small finger right hand bent.
3	Saban, ..	38388	Lascar, ..	Ditto, ..	Ditto, ...	5	7	20th June 1855,	Pock-marked on face, scar on right side of forehead.
4	Abdoolah, ..	38390	Ditto, ..	Ditto, ..	Ditto, ..	5	3½	20th June 1855,	Scar on forehead, pock-marked on face.
5	Lazar William, ..	30272	Servant, ..	Alliance, ..	9th Ditto, ..	5	4½	26th July 1854,	Blister mark on the stomach.
6	Omed Allee, ..	30314	Dandy, ..	Ditto, ..	Ditto, ..	5	0½	28th Ditto 1854,	Scar on right thigh.
7	Augostinho Jose, ..	11952	Ditto, ..	Cœur de Lion, ..	23rd Ditto, ..	5	7½	6th Jan. 1852,	Slightly pock-marked on face, and tattooed right arm.
8	Salvador D'Souza, ..	18123	Lascar, ..	Ditto, ..	Ditto, ..	5	4½	31st Jan. 1853,	Scars both legs.
9	Abdool, ...	30121	Ditto, ..	Ditto, ..	Ditto, ..	5	1	20th July 1854,	Small scars on the throat.
10	Hadjee Ibrahim, ..	38474	Ditto, ..	Mary Anne, ..	16th Ditto, ..	5	6½	23rd June 1855,	Large scar on back, small ditto on forehead.
11	Kulloo, ..	32123	Landsman, ..	Ditto, ..	Ditto, ..	5	2½	9th Oct. 1854,	Scar on the right cheek, numerous scars on the stomach.
12	Sheikh Hosein Bukhsh, ..	37152	Sepoy, ..	Ditto, ..	Ditto, ..	5	7½	23rd April 1855,	Scar on bridge of nose, small scar on right cheek, ditto on right forehead.
13	Omer Allee, ..	33965	Dandy, ...	Bengal, ..	25th Ditto, ..	5	3½	8th Dec. 1854,	Scar on left cheek, near left eye, ditto on stomach.
14	Kurreem Bukhsh, ..	30867	Landsman, ...	Ditto, ..	Ditto, ..	5	5	14th Aug. 1854,	Pock-marked on the face.

I

Number.	Deserters' Names.	Number of Tickets.	Capacity.	Ships deserted from.	Date of Letter or Desertion.	Height. Ft.	In.	Date of Ticket.	Marks on Person.
15	Sheikh Juggeroo, ..	26857	Sepoy, ...	Bengal, ..	25th Aug. 1855, ...	5	6¼	13th Feb. 1854,	Scar on the left wrist.
16	Usmaun, ..	4090	C. Trimmer, ..	Ditto, ..	Ditto, ..	5	2½	2nd Nov. 1850,	Pock-marks on face and holes both ears.
17	Somaz, ...	506	Fireman, ..	Ditto, ...	Ditto, ..	5	8½	6th Aug. 1850,	Pock-marked.
18	Bokheed, ..	34390	Lascar, ...	Ditto, ..	Ditto, ..	5	5¾	25th Dec. 1854,	Cataract on right eye, forefinger of right hand injured.
19	Baboo Khan, ..	32900	Landsman, ...	Forfarshire, ..	5th Sept. 1855, ..	5	5	2nd Nov. 1854,	Small scar on bridge of nose.
20	Mahomed, ..	23134	Lascar, ...	Hastings, ..	8th Ditto, ..	5	3¾	7th Sept. 1854,	None.
21	Joomun Khan, ..	28302	Havildar, ...	Oriental, ..	Ditto, ..	5	7½	26th April 1854,	Small scar on the back, mole on the left breast.
22	Allemooddeen, ..	4109	Stoker, ...	Ditto, ..	Ditto,	5	4½	2nd Nov. 1850,	Scar on forehead.
23	Fyjoo, ..	2765	Lascar, ...	Ditto, ..	Ditto, ..	5	4	25th Sept. 1850,	Scar centre of forehead, and two marks each side of nose.
24	Sheikh Motee, ..	20901	Bandary, ...	Bentinck, ..	12th Ditto, ..	5	3½	1st June 1853,	Scar on right arm.
25	Meajaun, ..	14274	Lascar, ...	Precursor, ...	13th Ditto, ..	5	4¾	10th June 1852,	Slightly pock-marked on face.
26	Mahomed Havez, ..	20625	Ditto, ...	Ditto, ...	Ditto, ..	5	2	18th May 1853,	Scar on stomach and left leg.
27	Kassim, .	16234	Ditto, ...	Ditto, ..	Ditto, ...	5	3¾	1st Oct. 1852,	Scar under right knee.
28	Umjad, ..	20227	Dandy, ...	Ditto, ...	Ditto, ..	5	3	27th April 1853,	Scar on left arm.
29	Ameerooddeen, ..	37185	Landsman, ...	Ditto, ...	Ditto, ...	5	3½	25th April 1855,	Scar on right eye-brow, ditto on right shoulder and close to left hand.
30	Meer Allee, ..	29600	Dandy, ...	Ditto, ...	Ditto, ..	5	0¾	1st July 1854,	Scar on forehead, one on right arm.
31	Omed Allee, ..	26763	Ditto, ..	Ditto, ...	Ditto, ..	5	4½	8th Feb. 1854,	Scars on both arms.
32	Asgur Allee, ..	32863	Ditto, ..	Ditto, ...	Ditto, ..	5	3½	1st Nov. 1854,	Scar on right arm, a little pock-mark on face.
33	Choonee, ..	22232	Ditto, ...	Ditto, ...	Ditto, .	5	4¾	27th July 1853	Scar on left arm.
34	Bukhsh Allee, ..	28338	Ditto, ...	Ditto, ..	Ditto, ..	5	5¾	27th April 1854	Scar on the left side, one on the back ditto.
35	Jeenut Allee, ..	50079	Fireman, ..	Ditto, ...	Ditto, ..	5	1	19th July 1854	Scar at the corner of left eye, ditto on right arm.
36	Munsoor Allee, ..	20720	Dandy, ...	Ditto, ..	Ditto, ..	4	11¾	23rd May 1853	Scar on left leg.
37	Hassim, ..	37066	Ditto, ...	Ditto, ...	Ditto, ..	5	4½	15th April 1855	Scars on right temple, slightly pock-marked on face, scar on right arm.
38	Hadee, ..	30614	Ditto, ...	Ditto, ...	Ditto, ..	5	0¼	7th Aug. 1854	Mole on left side of nose, and scar on stomach.
39	Munsor Allee, ..	24898	Ditto, ...	Ditto, ...	Ditto, ..	5	3½	12th Nov. 1853	Scar on right arm.
40	Joomun Allee, ..	29977	Landsman, ..	Ditto, ...	Ditto, ..	5	1	22nd July 1854,	Scars on both arms.
41	Mahomed Hasseem, ..	2745	O. Lascar, ..	Ditto, ..	Ditto, ..	5	3¼	27th March 1853,	Has a scar on the left cheek.
42	Alleemooddeen, ..	38939	Landsman, ...	Ditto, .	Ditto, ...	5	2	12th July 1855,	Scar on left forehead, ditto on right cheek, ditto on back of right side of head.
43	Sadut, ..	35303	Servant, ...	Cancelled for having made a false statement. ..	Ditto, ..	5	6	27th Jan. 1855,	Scar on nose, ditto on pit of stomach.
44	Rumzaun Allee, ..	27868	Dandy, ...	Cancelled, not being lawfully issued to him. ..	Ditto, ..	5	5	4th April 1854,	Has two scars on the shin bone of the left leg.
45	Abdool, ..	5131	Sookhannee, ..	Cancelled for altering the capacity, ..	Ditto, ..	5	4½	7th Dec. 1850,	Scar under right eye, arm, and left leg.
46	Gustave William, ..	33832	O. S., ...	Cancelled for giving a false statement, ..	Ditto, ..	5	7½	4th Dec. 1854,	Tattooed on both arms and on right hand.
47	Sheikh Fyzoo, ..	40131	Dandy, ...	Ditto, ..	Ditto, ..	5	3½	28th August 1853,	Scar under right collar, one under armpit and back.
48	Mombarruck, ..	40384	Lascar, ..	Ditto, .	Ditto, ..	5	6½	5th Sept. 1855,	Scar on chin, pock-marked on face, scars on both temples.
49	Charles Morton, ..	39316	A. B., ..	Bentinck, ..	26th Sept. 1855, ..	5	1½	30th July 1855,	Tattooed on finger and both hands.
50	William Mendes, ..	32346	Gunner, ..	Ditto, ..	Ditto, ..	5	7½	13th Oct 1854,	Tattooed on left arm, scar on right side of forehead.
51	George Martin, ..	23851	Steward, ...	Ditto, ..	Ditto, ..	5	9½	21st Oct. 1853,	None
52	Teen Cowrie, ..	34660	Lascar, ..	Ditto, ..	Ditto, ..	5	4½	3rd Jan. 1855,	Scar on left cheek, ditto on left hand, ditto on right arm.
53	Joomun Allee, ..	21742	O. S., ..	Ditto, ..	Ditto, ..	6	4¼	7th July 1853,	Mole close right eye.
54	Sheikh Moisdeen, ..	34612	Dandy, ...	Ditto, ..	Ditto, ..	5	1½	5th Jan. 1855,	Pock-marked on face, scar on right arm.

55	Jaun Mahomed,	..	23149	Ditto,	..	Ditto,	..	Ditto,	..	5	6	20th April	1854, Has a large scar on the shin of left leg.
56	Goree,	..	40068	Topaz,	..	Ditto,	..	Ditto,	..	5	3¾	23rd August	1855, Scar at the corner of right eye, scar on back.
57	Sheikh Danis,	..	25245	Servant,	..	Ditto,	..	Ditto,	..	5	6	14th Dec.	1853, Mole on left hand.
58	William Smith,	..	40580	Cook,	..	Typhoon,	..	Ditto,	..	5	8	11th Sept.	1855, Tattooed both wrists.
59	H. Burchall,	..	40642	A. B.,	..	Ditto,	..	Ditto,	..	5	3¼	12th Sept.	1855, Scar on face, ink on both arms.
60	James Smith,	..	40581	Ditto,	..	Ditto,	..	Ditto,	..	5	10	11th Sept.	1855, Tattooed both wrists.
61	John Jessley,	..	40420	Ditto,	..	Ditto,	..	Ditto,	..	5	6¼	6th Sept.	1855, Scar on forehead, ink on both arms.
62	Thomas Malone,	..	40216	Ditto,	..	Ditto,	.	Ditto,	..	5	8	30th ug.	1855, Tattooed on both wrists.
63	John Perry,	..	38887	Ditto,	..	Ditto,	..	Ditto,	..	5	8¼	10th July	1855, Scar on upper lip, ditto on left arm.
64	James Burgoyne,	..	40582	Ditto,	...	Ditto,	..	Ditto.	..	5	4¾	11th Sept.	1855, Tattooed on both arms, scar centre of forehead.
65	Frank McIver,	..	39643	Ditto,	..	Ditto,	..	Ditto,	..	5	4¼	8th ug.	1855, Pock-marked on face, ink on both arms.
66	John Sinclair,	..	38682	Ditto,	...	Ditto,	..	Ditto,	..	5	7¾	2nd July	1855, Tattooed on left arm.
67	Charles Carroll,	..	40425	Ditto,	...	Ditto,	..	Ditto,	...	5	6	6th ept.	1855, Ink on both arms.
68	James Niel,	...	39349	O. S.,	...	Ditto,	..	Ditto,	..	5	6¾	30th July	1855, None.
69	Peter Boyle,	..	39837	A. B.,	..	Ditto,	..	Ditto,	..	5	5¾	17th Aug.	1855, Some small scar about the face.
70	Edward Waler,	..	40451	Ditto,	..	Ditto,	..	Ditto,	..	5	6¼	7th Sept.	1855, Scar on nose.
71	Thomas Somerville,	...	37368	Boy,	..	Ditto,	..	Ditto,	..	5	6¼	8 h May	1855, Scar on right arm.
72	Whinney Parson,	..	39186	A. B.,	..	Ditto,	..	Ditto,	..	5	6¾	25th July	1855, Scar on forehead.
73	John Mckinnon,	...	38626	1st Officer,	..	Ditto,	..	Ditto,	:	5	9	29th June	1855, Tattooed on both arms.
74	George Main,	..	40058	A. B.,	..	Ditto,	..	Ditto,	..	5	8	23rd Aug.	1855, Scar on upper lip, ink on right arm.
75	Henry E. Richardson,	.	39038	O. S.,	..	Ditto,	..	Ditto,	..	5	5½	16th Ditto,	1855, Ink on left hand
76	Frederick Smith,	..	39733	Ditto,	..	Ditto,	..	Ditto,	..	5	6¾	11th Aug.	1855, Ink on both arms.
77	Peter Anderson,	...	39886	A. B.,	...	Ditto,	..	Ditto,	..	5	6¼	17th Ditto,	1855, Ink on both arms.
78	James Lynch,	..	40129	Ditto,	...	Ditto,	..	Ditto,	..	5	9	25th Ditto,	1855, Ink on both arms, scar on forehead.
79	Alexander Russell,	..	40717	Ditto,	..	Ditto,	..	Ditto,	.	5	6½	15th Sept.	1855, Scar under right ear.
80	Joseph Griffith,	.	40321	Ditto,	..	Ditto,	..	Ditto,	.	5	8¼	5th Ditto,	1855, Scar on back of right hand.
81	John Fisher,	...	38234	Ditto,	..	Ditto,	..	Ditto,	..	5	6¾	13th June	1855, Ink on both arms, scar on bridge of nose.
82	Newton Doen,	..	37812	Ditto,	..	Ditto,	..	Ditto,	..	5	10	30th May	1855, Tattooed on right arm and head.
83	Husson Allee,	..	25439	Lascar,	..	Cancelled for altering the capacity,	..	Ditto,	..	5	4	22nd Dec.	1854, Second finger left hand cut off.
								2nd Oct. 1855,	..	5	5¼	6th March	1854, Has a scar on the left temple.
84	Salem,	...	27239	Ditto,	..	Laidsman,	..	Ditto,	..	5	7	19th June	1854, Scar over the right eye.
85	Mahomed Omer,	...	29409	Dandy,	..	Ditto,	..	Ditto,	..	5	3¼	30th March	1855, Pock-marked on face, several scars on the back.
86	Sooltaun,	...	36763	Ditto,	..	Ditto,	..	Ditto,	..	5	2	16th Sept.	1851, Scar on forehead.
87	Hadjee Peer Bukhsh,	..	10305	Barber,	...	Ditto,	..	Ditto,	..	5	3¾	22nd Dec.	1854, Baldish on the head, scar on forehead left side.
88	Mahomed Eusuph,	...	34288	Lascar,	..	Ditto,	..	Ditto,	..	5	6	30th March	1855, Pock-marked on face. scar on left cheek near armpit.
89	Ishmael,	...	36757	Dandy,	..	Ditto,	..	Ditto,	..	5	4¾	Ditto,	1855, Scar on forehead, ditto on right arm, pock-marked on face.
90	Yassin,	...	36758	Ditto,	..	Ditto,	..	Ditto,	..	5	2¾	22nd Dec.	1854, Scar both nostril, ditto above right temple.
91	Jaffer,	...	34274	O. Lascar,	..	Ditto,	.	2nd Oct. 1855,	..	5	2¾	3rd May	1855, Scar on left eyebrow, scar on both cheeks.
92	Chookrah,	...	37286	Dandy,	..	Ditto,	..	Ditto,	..	5	2¾	1st March	1855, Pock-marked on face, scar near the right eye, ditto on left arm near elbow.
93	Achong,	...	36622	Carpenter,	..	Ditto,	..	Ditto,	..	5	5¾	23rd Feb.	1854, Much pock-marked on face.
94	Raspiel,	...	27056	Lascar,	..	Ditto,	..	Ditto,	..	5	4¾	28th April	1854, None.
95	Husson Khan,	..	28367	Dandy,	..	Ditto,	..	4th Ditto,	..	5	3¾	21st Dec.	1852, Pock-marked on face, and third finger of left hand cut off, and scar left side of body.
96	Dookhoo,	..	17190	Lascar,	..	Precursor,	..	Ditto,	..	5	2¼	25th Sept.	1854, Scar on the bridge of nose, ditto on right arm.
97	Hyder Allee,	...	32096	Landsman,	..	Ditto,	..	Ditto,	..	5	8	25th Sept.	1850, Two scars on forehead.
98	Abdoo,	...	2812	Lascar,	..	Ditto,	..	Ditto,	..	5	5¾	23rd April	1855, Scar on left eye-brow, ditto on forehead, ditto near left eye, pock-marked on face.
99	Roostum,	...	37147	Topaz,	..	Ditto,	..	Ditto,	..	5	5¾	20th Sept.	1850, Scar on forehead, three scars on right arm.
100	Yagoot Abdool,	...	2583	C. Trimmer,	..	Ditto,	..	5th Ditto,	..	5	6¼	19th Sept.	1855, Scar on forehead, ink on both arms.
101	George Murray,	..	40832	A. B,	..	Mallard,	..	Ditto,	..	5	7¾	8th Aug.	1855, Pock-marked on face.
102	William McMillan,	...	39636	Ditto,	..	Ditto,	..	Ditto,	..	5	10	7th Sept.	1855, Scar on forehead.
103	Charles Robinson,	...	40153	Ditto,	..	Ditto	..						

Number.	Deserters' Names.	Number of Tickets.	Capacity.	Ships deserted from.	Date of Letter or Desertion.	Height. Ft. In.	Date of Ticket.	Marks on Person.
104	Thomas Hamilton, ...	33263	A. B, ..	Mallard, ..	8th Oct. 1855, ..	5 6½	13th Nov 1854	Tattooed left arm.
105	John Harrowell, ..	33360	Ditto, ..	Ditto, ..	Ditto, ..	5 5¾	31st July 1855.	Scar on tip of nose, ink on both arms.
106	Dilbar Khan, ..	34530	Lamp-lighter, ..	Shanghai, ..	17th Ditto, ..	5 4¾	3rd June 1855.	Right arm burnt, scar on the nose.
107	Summud Allee, ..	28884	C. Trimmer, ...	Ditto, ..	Ditto, ..	4 11	20th May 1851	None.
108	Rumzaun Allee, ..	36930	Landsman, ..	Ditto, ..	Ditto, ..	5 3½	8th March 1855.	Pock-marked on face, scars on both arms.
109	Lall, ...	6388	Sepoy, ..	Ditto, ..	Ditto, ..	5 9¼	16th Dec. 1850.	Scar on stomach, ditto on nose.
110	Wahid Allee, ..	34467	Landsman, ..	Ditto, ..	Ditto, ..	5 6	2nd Jan 1855.	Pock marked on face, small scar on right upper arm, scar on left arm.
111	Pannchoo, ..	39069	Butler, ..	Velocity, ..	Ditto, ..	5 4½	18th July 1855.	Pock-marked on face, scar above breast, ink on right arm.
112	Sheikh Baboo, ...	41475	O Lascar, ..	Cancelled for giving a false statement, ..	Ditto, ..	5 1¼	9th Oct. 1855.	Scar on forehead, ditto on both cheeks, ditto on back of left hand.
113	Pokur, ..	27735	3rd Tindal, ..	Cowasjee Family, ..	26th Ditto, ..	5 1¼	29th March 1855.	None.
114	Kitcheell, ..	23034	Lascar, ..	Ditto, ..	Ditto, ..	4 11	2nd Sept. 1853.	None.
115	Jeetoo, ..	15893	Dandy, ..	Ditto, ..	Ditto, ..	5 4	7th Oct. 1852.	Scar on nose and right leg.
116	Aspullee, ..	33143	Lascar, ..	Ditto, ..	Ditto, ..	5 3½	8th Nov. 1854.	None.
117	Barmeen, ..	30590	Ditto, ..	Ditto, ..	Ditto, ..	4 11¼	4th Aug. 1854.	Mole on the left jaw scar on the ankle of right leg.
118	Adoff, ..	30518	Ditto, ..	Ditto, ..	Ditto, ..	5 1¼	Ditto, 1854.	Several scars on right leg.
119	Rajeeay, ..	3 497	Ditto, ..	Ditto, .	Ditto, ..	5 8¾	Ditto, 1854.	Scar on the shin of both legs.
120	Oosmaun, ..	25332	Ditto, ..	Ditto, ..	Ditto, ..	5 8¼	12th June 1854.	Scar over right eye, mole on left eye.
121	Arran, ..	22827	2nd Tindal, ..	Ditto, ..	Ditto, ..	5 1½	24th Oct. 1854.	Left ear pierced, scar right hand.
122	Tuggoo, ..	32916	Lascar, ..	Ditto, ...	Ditto, ..	5 3½	2nd Nov. 1854.	Scars on the right upper arm, ditto on left arm.
123	Surreeman, ..	30294	Ditto, ..	Ditto, ..	Ditto, ..	5 0	27th July 1854.	Lost all the upper teeth.
124	Kutcheel, ..	14915	Ditto, ..	Ditto, ..	Ditto, ..	5 3½	7th Aug. 1852	Scar on stomach and right leg.
125	Paunch Cowrie, ..	32732	Ditto, ..	Bombay, ..	Ditto, ..	5 3¼	26th Oct. 1854.	Scar close left eye and on forehead, and slightly pock-marked in face.
126	Sallim, ..	2462	Ditto, ..	Ditto, ..	Ditto, ..	5 2¾	16th Sept. 1850.	Slightly pock-marked on face.
127	Buxoo, ..	30918	Dandy, ..	Ditto, ..	Ditto, ..	5 6¼	15th Aug. 1854.	Large scar on right arm.
128	Mahomed Hosein, ..	39195	Landsman, ..	Ditto, ..	Ditto, ..	5 6¼	25th July 1855.	Scar on right eye-brow and on upper lip, ditto on both arms.
129	Asseemoodeen, ..	30332	B Mate, ..	Ditto, ..	Ditto, ..	5 3	14th Aug. 1854.	Scar on the left side of forehead.
130	Abdullah, ..	30676	Lascar, ..	Taymouth Castle, ..	30th Oct 1855, ..	5 2	10th Aug. 1854.	Pock-marked on face, scar left eye.
131	Jeetoo, ..	27554	Ditto, ..	C. Burney, ..	7th Nov. 1855, ..	5 1¼	20th March 1854.	Pock-marked on the face.
132	Mombarruck Hoscin, ..	27547	Stoker, ..	Bengal, ..	15th Ditto, ..	5 4	Ditto,	Ditto ditto.
133	Bundhoo, ..	28638	Dandy, ..	Ditto, ..	Ditto, ..	5 2¼	10th May 1854.	Scar right arm.
134	Buxoo, ..	27594	Serang, ..	C. Burney, ..	7th Ditto, ..	5 7¼	8th May 1855.	Scar on left side of back, small scar on forehead.
135	Charles Hartley, ...	41970	A B, ..	Cancelled, the capacity being altered, ..	Ditto. ..	5 7¾	29th Oct. 1855.	Scar on right eye-brow.
136	John Taylor, ..	41969	Ditto, ..	Ditto, ..	Ditto, ..	5 4¾	Ditto. 1 53.	None.
137	Sheikh Ameer Skh. Meajaun,	20908	Serang, ..	Ditto, ..	Ditto. ..	5 6	1st June 1853.	Scar on forehead.
138	Gool Mahomed Khan, ..	26988	Sepoy, ..	Hebe, ..	23rd Ditto. ..	5 3½	20th July 1854.	A scar on both arms.
139	Asgur, ..	4973	Lascar, ..	Antelope, ..	3rd Dec. 1855, ..	5 1¼	29th Nov. 1850.	Scars on both arms and stomach.
140	Selim, ..	9309	Ditto, ..	Ditto, ..	Ditto, ..	5 8¼	4th July 1851.	Scar left hand.
141	Hosein, ..	33632	Sookhanee ..	Cancelled, the capacity being altered, ..	Ditto, ..	5 1¾	24th Nov. 1854.	Pock-marked on face.
142	Boodhoo, ..	31481	Dandy, ..	Sagof, ..	3rd Dec. 1855, ..	5 2¾	2nd Sept. 1854.	Scar on left cheek, ditto on right ankle.
143	Meahjaun, ..	19725	Ditto, ..	Gallant, ..	Ditto, ..	5 0¼	7th April 1853.	Scar on stomach.

144	Sheikh Fyzoo,	..	34515	Ditto,	..	Ditto,	..	Ditto,	..	5	2½	17th Nov	1853, Scar on right arm.
145	Achon,	..	39354	Lascar,	..	Ditto,	..	Ditto,	..	5	4½	31st Aug.	1855, Scar on forehead, ditto on fore-finger of left hand.
146	Manuel DeCruz,	..	9076	Sookhanee.	..	A. J. Kerr,	...	10th Ditto,	..	5	0¼	12th June	1851, Scar on nose, and tattooed both arms.
147	Nicholas Myrters,	..	38141	A. B.,	..	Ditto,	..	Ditto,	..	5	4¼	9th June	1855, Tattooed on both arms.
148	Fuckeera,	..	31535	Landsman,	..	Ditto,	..	Ditto,	..	5	2	5th Sept.	854, Scar under the right ear, ditto on right arm.
149	Ashow,	..	10966	Carpenter,	..	Ditto,	..	Ditto,	..	5	7¼	6th Nov.	1851, Mole on neck.
150	Rajah Mean,	..	31978	Serang,	..	Ditto,	..	Ditto,	..	5	5¼	22nd Sept.	1854, Large scar on the left foot, near the ankle.
151	Peeroo,	..	21895	Kussub,	..	Ditto,	..	Ditto,		5	1¾	13th July	1853, Cut left hand and side of body.
152	Ishmael,	...	30575	Lascar,	..	Ditto,	..	Ditto,	..	5	2¼	5th Aug.	1854, Scar on left side of stomach, two small scars on upper side of back.
153	Aeenoodeen,	...	41955	Landsman,	..	Cancelled, for having made a false statement,	..	Ditto,	..	5	8½	29th Oct.	1855, Small scars on muscular part of left arm and leg.
154	Munnoo,	..	27587	Ditto,	..	Bentinck,	..	14th Ditto,	..	5	5¼	22nd March	1854, Scar on back, small mark on the left cheek.
155	Mombarruck,	..	19486	Ditto,	..	F. Salam,	..	19th Ditto,	..	5	1	28th March	1853, None.
156	Mobarruck,	..	26192	Ditto,	..	Ditto,	..	Ditto,	..	5	6	18th Jan.	1854, Scar right temple, mole right side of nose.
157	Fukeer Mahomed,	...	23378	Dandy,	..	Mooltan,	..	24th Ditto,	..	5	4	2nd Sept.	1853, Scar both arms.
158	Nezzamooddeen,	..	31802	Ditto,	..	Ditto,	..	Ditto,	..	5	3½	16th Sept.	1854, Pock-marked on face, scar on right arm.
159	Mahomed Hosein,	..	23154	O. Lascar,	..	Ditto,	..	Ditto,	..	5	1½	9th Sept.	1853, Scar right arm.
160	Ruhim Bukhsh,	..	24573	Dandy,	..	Ditto,	.	Ditto,	..	5	3¼	19th Nov.	1853, Ditto ditto.
161	Hadjee Mahomed,	..	316	Lascar,	..	Ditto,	..	Ditto,	..	4	10	3rd Aug.	1850, None.
162	Tofur Allee,	..	31666	Landsman,	.	Ditto,	..	Ditto,	..	5	3½	11th Sept.	1854, White patch on the chest, and scar on muscular part of right arm.
163	Abass,	..	31982	Ditto,	..	Ditto,	..	Ditto,	..	5	3	22nd Sept.	1854, Scar on the right cheek-bone.
164	Hyder Allee,	..	30342	Dandy,	..	Ditto,	..	Ditto,	..	5	2	29th July	1854, Slightly pock-marked on face, and scar on the left eye.
165	Konjole,	..	32965	Sookhanee,	..	A. Kaufman,	..	27th Ditto,	..	5	4¼	3rd Nov.	1851, Scar under the left side of mouth.
166	Abbajee Amba,	..	2967	Lascar,	..	Ditto,	..	Ditto,	..	5	0	20th Sept.	1850, Mole left cheek.
167	Summeerooddeen,	..	14039	Serjeant,	..	Marian,	..	2nd Jan. 1856,	..	5	0¼	18th May	1852, Scar right cheek.
168	Poontoo,	..	26331	Cook,	..	Ditto,	..	Ditto,	..	5	4½	23rd Jan.	1851, Scar over right eye-brow, and mole close left nostril.
169	Surraooddeen,	..	32239	O. Dandy,	..	Ditto,	..	Ditto,	..	5	1¼	11th Oct.	1851, Pock-marked on the face, scar on the stomach.
170	Hussun Allee,	..	31488	Lascar,	..	Ditto,	..	Ditto,	..	5	4¼	2nd Sept.	1854, Scar on right arm, ditto on top of right thigh.
171	Mahomed Allee,	..	38302	Ditto,	..	Ditto,	..	Ditto,	..	5	0¼	15th June	1855, Pock-marked on face, small little finger of left hand injured, scar near back-bone.
172	John DeCruz,	..	43641	Topaz,	..	Cancelled, for making a false statement,	...	Ditto,	..	5	6	29th Dec.	1855, Scars on nose, ditto on right cheek, pock-marked on face.
173	Sammee,	..	25178	Stewart,	..	Statesman,	..	11th Ditto,	..	5	1½	10th Dec.	1853, Scars on stomach.
174	Paunchoo,	..	35189	Servant,	..	Ditto,	.	Ditto,	..	5	2¼	25th Jan.	1855, Pock-marked on face. two scars on upper part of back.
175	Ahmed Allee,	..	15978	Lascar,	..	Ditto,	..	Ditto,	..	5	1½	10th Oct.	1852, Scars on forehead and right temple.
176	Ruhmut Allee,	..	1910	Fireman,	..	Ditto,	..	Ditto,	..	5	3	4th Sept.	1850, Tip of second finger left hand indented.
177	Paunch Cowrie,	..	29796	Landsman,	..	Ditto,	..	Ditto,	..	5	4¾	10th July	1854, Scar on the left foot.
178	Kadir,	..	28306	Servant,	..	Royal George,	..	Ditto,	..	5	2½	26th April	1854, Scar on left arm above the wrist, three large scars on the stomach.
179	Suddur Allee,	..	24804	O. Lascar,	..	Iona,	..	16th Ditto,	..	5	4¾	28th Nov.	1854, Scars on right arm.
180	Nazir,	..	38150	Dandy,	..	Ditto,	..	Ditto,	..	5	1	9th June	1855, Pock-marked on forehead, scar on right arm.
181	Hasseem,	..	36132	O. Lascar,	..	Ditto,	..	Ditto,	..	5	4	28th Feb.	1855, Slightly pock-marked on face, scar on right shin.
182	Summud Allee,	..	7499	Lascar,	..	Ditto,	..	Ditto,	..	5	2¾	7th March	1851, Several scars on head, some scars on back, two ditto on right eye-brow.
183	Sheikh Oomur,	..	5614	Ditto,	..	Ditto,	..	Ditto,	..	5	3	23th Dec.	1850, Scar between eye-brows.
184	Bukhtaur,	...	37163	Landsman,	..	Ditto,	..	Ditto,	..	5	5	24th April	1855, Scar on right eye-brow, ditto on right shoulder and on right arm.
185	Etwarree,	..	41428	Ditto,	.	Circassian,	..	Ditto,	..	5	4½	8th Oct.	1855, Scar on right side of forehead, scar on stomach.
186	Fyzoo,	..	38742	O. Lascar,	..	Ditto,	..	Ditto,	..	5	3¼	4th July	1855, Scar left cheek, ink on left side of neck, scar on right side of back-bone.
187	Jocoba,	..	21238	Tindal,	..	Ditto,	..	Ditto,	..	5	6¼	18th June	1853, None.

Number.	Deserters' Names.	Number of Tickets.	Capacity.	Ship deserted from.	Date of Letter or Desertion.	Height. Ft.	In.	Date of Ticket.	Marks on Person.
188	Dookhoo, ..	41260	Lascar, ..	Bombay, ..	16th Jan. 1856, ..	5	3¾	3rd Oct. 1855,	Pock-marked on face, scar on back of neck, scar on left side.
189	Dookhoo, ..	20045	Servant, ..	Formosa, ..	24th Ditto, ..	5	2	19th April 1853.	Pock-marked on face.
190	Chumroo, ..	24024	Dandy, ..	Ditto, ..	Ditto, ..	5	5¼	26th Oct. 1853,	Scar on forehead and right eye-brow.
191	Busseeroodeen, ..	27196	Ditto, ..	Ditto, ..	Ditto, ..	5	4¼	3rd March 1854,	None.
192	Abdool. ..	39342	Ditto, ..	Ditto, ..	Ditto, ..	5	6¾	30th July 1855,	Wart on right forehead, pock-marked on face, large scar on back.
193	Ramzaun Allee, ..	39238	Landsman, ..	British Merchant, ..	25th Ditto, ..	5	4¾	26th Ditto ..	Pock-marked on face, ditto on back of left shoulder.
194	Ibrahim, ..	38877	Ditto, ..	Ditto, ..	Ditto, ..	5	4¼	9th Ditto ..	Scar on right nostril, ditto near left collar bone, ditto on left arm.
195	Badul, ..	28881	Ditto, ..	Punjaub, ..	26th Ditto, ..	5	4¼	22nd May 1854,	Has two scars on muscular joint of both arms.
196	Sybo, ..	39255	O. Lascar, ..	Ditto, ..	Ditto, ..	5	4	26th July 1855,	Pock-marked on face, scar on stomach, ditto on back and right shoulder.
197	Joseph Maria, ..	38981	Cook, ..	Ditto, ..	Ditto, ..	5	1¼	13th Ditto ..	Scar and mole on forehead, ditto on right shoulder, ditto small on back.
198	Mussaine, ..	39229	O. Lascar, ..	Ditto, ..	Ditto, ..	5	1¾	26th Ditto ..	Scar on forehead, slightly pock-marked and on face.
199	Jagupah, ..	39256	Ditto, ..	Ditto, ..	Ditto, ..	5	8	Ditto ..	Scar on forehead, tattooed on ditto, scar on back, ditto on both arms.
200	Sheikh Barroo, ..	39123	Landsman, ..	Ditto, ..	Ditto, ..	5	9	20th Ditto ..	Much pock-marked on face, mole on back.
201	Meajaun, ..	9458	C. Trimmer, ..	Oriental, ..	5th Feb. 1856, ..	5	1¾	17th July 1851,	None.
202	Omer Allee, ..	42570	Ditto, ..	Ditto, ..	Ditto, ..	5	4¼	17th Nov. 1855,	Pock-marked on face, scar on both side of nose.
203	John Rossingall, ..	44328	A. B., ..	Schah Jehan, ..	13th Ditto, ..	5	3	30th Jan 1856,	Ink on left hand and arm.
204	Samuel Whittingham, ..	44155	Ditto, ..	Ditto, ..	Ditto, ..	5	7¼	23rd Ditto ..	Ink on both arms, right thumb injured.
205	William Martin, ..	43964	Ditto, ..	Ditto, ..	Ditto, ..	5	7¼	13th Ditto ..	Ink on both arms and hand.
206	Richard Brokenshaw, ..	43965	Ditto, ..	Ditto, ..	Ditto, ..	5	3¾	15th Ditto ..	Scars between the eyes, ink on left hand.
207	Robert Morgan, ..	44228	Ditto, ..	Ditto, ..	Ditto, ..	5	6¼	25th Ditto ..	Scar on left side of throat.
208	Peter Agara, ..	44226	Ditto, ..	Ditto, ..	Ditto, ..	5	10½	25th Jan. 1856,	Scar on nose, ink on right arm.
209	John Fielding, ..	44153	Ditto, ..	Ditto, ..	Ditto, ..	5	7	23rd Ditto ..	Ink on left arm.
210	John Artlete, ..	44229	Ditto, ..	Ditto, ..	Ditto, ..	5	8	25th Ditto ..	Ink on right arm.
211	Charles Cook, ..	44356	Ditto, ..	Ditto, ..	Ditto, ..	5	9¾	31st Ditto ..	Pock-marked on face.
212	Charles Smith, ..	44290	Ditto, ..	Ditto, ..	Ditto, ..	5	5¼	28th Ditto ..	Scar on right cheek, ink on both hands and arms.
213	Henry Hooper, ..	44309	Ditto, ..	Ditto, ..	Ditto, ..	5	3¼	19th Ditto ..	Wart on right cheek.
214	Benjamin Stone, ..	43327	Ditto, ..	Ditto, ..	Ditto, ..	5	9	30th Ditto ..	Scar under left eye, ink on left arm.
215	Edward Hamilton, ..	44223	Ditto, ..	Ditto, ..	Ditto, ..	5	4¼	24th Ditto ..	Ink on right arm, ditto on left hand.
216	John Brown, ..	32726	Sail-maker, ..	Ditto, ..	Ditto, ..	5	5¼	26th Oct. 1854,	Scar on forehead.
217	Cheragh Allee, ..	24476	Sepoy, ..	Oriental, ..	14th Ditto, ..	5	8	17th Nov. 1853,	Scar on breast and left shoulders blade.
218	Lewis Gracia, ..	31597	A. B., ..	Bentinck, ..	26th Ditto, ..	5	6¾	8th Sept. 1854,	Scar left arm.
219	Jeenut Allee, ..	22556	O. Lascar, ..	Ditto, ..	Ditto, ..	5	0¼	8th Aug. 1853.	Scar right arm and marks in stomach.
220	Affeelooddeen, ..	41868	Landsman, ..	Ditto, ..	Ditto, ..	5	1¾	27th Oct 1855,	Scar on nose, pock-marked on face.
221	Cassim Allee, ..	17350	Stoker, ..	Ditto, ..	Ditto, ..	5	5	28th Dec. 1852,	Scar left leg and right arm.
222	Mahomed Haniff, ..	25450	C. Trimmer, ..	Ditto, ..	Ditto, ..	5	7	23rd Dec. 1833,	Scar right arm.
223	Ameerooddeen, ..	29233	Servant, ..	Ditto, ..	Ditto, ..	5	5¼	12th June 1854,	Scar on muscular part of left arm.
224	Mahomed Allee, ..	16941	Butler, ..	Krishna, ..	Ditto, ..	5	5¼	7th Dec. 1852,	Pock-marked on face, scar left arm.
225	Asgur, ..	20234	Dandy, ..	Ditto, ..	Ditto, ..	5	1¼	28th April 1853,	None.
226	Banker Allee, ..	27761	Ditto, ..	Ditto, ..	Ditto, ..	5	2¼	30th March 1854,	Has a scar on the left arm, and bald on the forehead.
227	Jaffer Allee, ..	28437	Ditto, ..	Ditto, ..	Ditto, ..	5	3¾	1st May 1854,	A scar on the back of the left ear.
228	Francisco Rohas, ..	37080	Gunner, ..	Cancelled, capacity being altered,	Ditto, ..	5	5	19th April 1855,	Small scar on the jaw bone, ditto over right ear.
229	Deeloo, ..	14933	Servant, ..	Spy, ..	Ditto, ..	5	4¾	7th Feb. 1852,	Pock-marked on face, large scar on back.

230	Ameer Allee, ..	20429	Lascar, ..	Ditto, ..	Ditto, ..	5	4	7th March	1853,	Cut on breast.
231	Khoka, ..	28651	Ditto, ..	W. Rohoman, ..	29th Ditto, ..	5	3	10th May	1854,	Scar on forehead and left temple, and pock-marked on face.
232	Lall Buksh, ..	20540	Ditto, ..	Ditto, ..	Ditto, ..	5	6	12th May	1853,	Scar left arm.
233	Sheikh Jameer, ..	24556	Dandy, ..	Chusan, ...	3rd March 1856, ..	5	2¼	18th Nov.	1853,	Ditto, ditto.
234	Insaun, ..	41123	Landsman, ...	Nubia, ..	12th Ditto, ...	5	4½	28th Sept.	1855,	Slightly pock-marked on face, scar on right side of nose.
235	Fujjoolah, ..	7837	Lascar, ...	Ditto, ..	Ditto, ..	5	2¼	24th March	1855,	Slight scar both arm.
236	Fyzeoollah, ..	44763	C. Trimmer ..	Ditto, ..	Ditto, ..	5	6	14th Feb.	1856,	Slightly pock-marked on face, scar on right arm, scar on stomach.
237	Lulloo, ..	3958	Bandary, ...	Bombay, ..	14th March 1856, ..	5	6	31st April	1850,	Scar on forehead left side.
238	Oomer Allee, ..	24192	Dandy, ...	Ditto, ...	Ditto, ...	5	3½	6th Nov.	1853,	Scar right breast and left cheek.
239	Fyzoollah, ..	17306	Ditto, ..	Teak, ..	26th Ditto, ...	5	6¼	24th Dec.	1852,	Scar half way between crown of head and eye-brow.
240	Imaum Bukhsh Noralles, ..	30501	Kussub, ..	Ditto, ...	Ditto, ...	5	5¼	4th Aug.	1854,	Two scars on right shoulder. scar on both arms.
241	Punnoo, ..	37856	Dandy, ..	Bombay, ..	Ditto, ...	5	4½	30th May	1855,	Scar right shoulder, ditto on right eye.
242	Sheikh Allah Buksh, ..	45311	Landsman, ...	W. Rohoman, ...	27th Ditto, ..	5	3½	7th March	1856,	Scar on forehead. ditto on both cheaks and ditto on throat.
243	Abdool, ..	45603	Ditto, ..	Ditto, ..	Ditto, ...	5	4¾	20th Ditto		Scar near right eye. scar on right arm.
244	James Thomas, ..	25832	Cook, ..	Cancelled, capacity being altered,	Ditto, ..	5	3½	9th June	1854.	Pock-marked on face, and baudy legs.
245	Sheikh Abdool, ..	23088	Servant, .	Sagof, ...	28th Ditto, ..	5	4½	5th Sept.	1853,	Mole right cheek.
246	Awlong, ..	37056	Carpenter, ..	A. J. Kerr, ..	4th April 1856, ...	5	6	18th April	1855,	Pock-marked on face, scar on back of left hand
247	Toffer, ..	31760	O. S, ...	Anne Laing, ...	21st Ditto, ..	5	1½	14th Sept.	1854,	Scar on the back of head, mole near the left nostril.
248	Uccow, ..	31251	China Seaman, ..	Ditto, ..	Ditto, ..	5	3	25th Aug.	1854.	Small scars on right temple, tattooed on right arm.
249	Shureeutollah, ..	29902	Landsman, ...	rrow, ..	Ditto, ..	5	3¾	13th July	1854.	Scar on the left cheek, near the ear.
250	Emamun, ..	37669	Ditto, ...	Ditto, ...	Ditto, ..	5	3	22nd May	1854,	Pock-marked on face, scar on upper part of back.
251	Jose da Bause, ..	37381	A. B., ..	Ditto, ..	Ditto, ..	5	3¼	8th May	1854.	Pock-marked on face, scar on the left cheek.
252	Vicents Blanco, ...	38090	Ditto, ...	Ditto, ..	Ditto, ..	5	2½	7th June	1855.	Scar on back of neck on right side, ink on right arm.
253	Murcar, ..	17839	Lascar, ...	Charles Grant, ..	Ditto, ...	5	4½	18th Jan.	1853,	Pock-marked on face, elbow and knee.
254	Mombarruck, ..	23258	C. Trimmer, ...	Ditto, ...	Ditto, ...	5	6	15th Sept.	1853.	Scar left cheek.
255	Hyder Ullee, ..	795	2nd Tindal, ...	L. M. Wood, ...	Ditto, ...	5	8	9th Aug.	1850,	Left eye nearly closed.
256	Shumshere, ..	14741	Dandy, ..	John Paul, ..	Ditto, ..	5	4¼	24th July	1852,	None.
257	Peer Bukhsh, ..	18445	Ditto, ..	Ditto. ..	Ditto, ...	5	1½	17th Feb.	1853,	None.
258	Assuroodeen, ..	18095	Lascar, ...	Ditto, ..	Ditto, ..	5	2½	29th Jan.	1853,	Large scar left arm. scar close left eye.
259	Kalloo, ..	14964	Ditto, ...	Ditto, ..	Ditto, ..	5	1	12th Aug.	1852.	Large scar left knee.
260	Kochenee, ..	33235	Ditto, ...	Ditto, ..	Ditto, ...	5	4½	10th Nov.	1854,	Pock-marked on face, scar on right cheek.
261	Dedar, ..	31879	Landsman, ..	Ditto, ..	Ditto, ..	5	4¾	19th Sept.	1854,	Scar on breast and left leg.
262	Sooccorr, ..	2340	Lascar, ...	Ditto, ..	Ditto, ..	5	9½	13th Sept.	1850,	Large scar on right and left cheek, and scar on forehead.
263	Moisdeen Kootee, ..	38383	O. Lascar, ..	Regina, ..	Ditto, ..	5	8	20th June	1855,	Scar on centre of forehead, ditto on both eye brows.
264	Sheikh Ibraham, ..	4792	Lascar, ..	Shelomith, ..	Ditto, ..	5	3½	21st Nov.	1850,	None.
265	Shumshere, ..	31595	Servant, ...	Ditto, ..	Ditto, ..	5	4½	8th Sept.	1854,	Scar on forehead and left wrist.
266	Mooteeoollah, ..	29901	O. Dandy, ..	Ditto, ..	Ditto, ...	5	3¾	13th July	1854,	Has several scars on the back.
267	Francis Pascal, ..	40947	Steward, ...	Punjaub, ..	Ditto, ..	5	3¾	22nd Sept.	1855,	Pock-marked on face. ink on left arm.
268	Madaree, ..	33346	Landsman. ...	Bengal, ..	7th May 1856, ..	5	4	16th Nov.	1854.	Scar on left cheek-bone, ditto on right arm.
269	Munneerooddeen, ..	42501	Ditto, ..	Ditto, ...	Ditto, ..	5	3½	18th Nov.	1855,	Scar on forehead pock-marked on face, scar on both arms.
270	Kulloo, ..	21827	Ditto, ..	Ditto, ..	Ditto, ..	5	6	12th July	1853,	None
271	Camoo, ..	2873	Lascar, ...	Shanghai, ..	Ditto, ..	5	2¾	26th Sept.	1850,	Slightly pock-marked on face.
272	Kulloo, .	22986	Topaz, ..	Ditto, ..	Ditto, ...	5	1	31st Aug.	1853,	None.
273	Jeenut Allee, ..	45543	Lascar, ..	Ditto. ..	Ditto, .	5	3½	18th March	1856,	Scar on forehead, ditto above right elbow.
274	Munnaoollah, ...	32755	Landsman, ...	Ditto, ..	Ditto, ..	5	5½	28th Oct.	1854,	Scar on right side of neck. wart on left side of mouth.
275	Tuckee, ...	30466	Landsman. ..	Ditto. ..	Ditto, ..	5	5½	3rd Aug.	1854.	Scar on right arm, mole under left ear
276	Ahmed Allee, ..	40096	Ditto, ..	Ditto. ...	Ditto, ..	5	4½	25th Aug.	1855,	Scar on right cheek, ditto on right hand, ditto small on back.
277	Lall, ...	44820	Sepoy, ..	Ditto, ..	Ditto, ..	5	9¾	15th Feb.	1856,	Scar under left eye, ditto on left side of stomach.
278	Moosa. ..	38131	Dandy, ..	Ditto, ..	Ditto. ..	5	6¼	8th June	1856,	Lost second finger left hand, scar on nose.

Number.	Deserters' Names.	Number of Tickets.	Capacity.	Ship Deserted from.	Date of Letter or Desertion.	Height. Ft. In.	Date of Ticket.	Marks on Person.
279	Kamaloodeen, ...	27120	Butler, ..	Shanghai, ..	7th May 1856, ..	4 11¾	28th Feb. 1854,	Has several scars on the stomach.
280	Kadir, ..	4067	Carpenter, ...	Colleroon, ..	Ditto, ..	5 0¾	2nd Nov. 1850,	Scar on right foot.
281	Syed, ..	38106	C. Trimmer, ..	Nubia, ...	10th Ditto, ...	5 2¼	7th June 1856,	Scar on right side of nose, ditto on forehead.
282	Ackbar, ..	19473	Dandy, ...	Yarmouth, ..	12th Ditto, ...	5 4	28th March 1856,	Scar right arm.
283	Moisdeen, ...	35330	Ditto, ..	Perseverance, ...	26th Ditto, ..	5 1	29th Jan. 1856,	Scar on forehead, much pock-marked on face.
284	Antonio Joseph, ..	29252	A. B., ..	Bengal, ..	2nd June 1856, ..	5 1¼	12th June 1856,	Scar on the right cheek.
285	Gholaum Nubbee, ..	22186	Landsman, ...	Ditto, ..	Ditto, ..	5 5	26th July 1853,	Scar right arm.
286	Nazaad, ..	30115	Dandy, ..	Ditto, ..	Ditto, ..	5 7¼	20th July 1854,	Much pock-marked on the muscular part of right arm.
287	Syed Moolaeem, ..	39339	Landsman, ..	Pekin, ..	Ditto, ..	5 5	30th July 1855,	Small scar on forehead, do. on left eye-brow, ditto left cheek.
288	Peter Caetano, ..	3	Sookhanee, ..	Ditto, ..	Ditto, ..	5 3¼	30th July 1850,	None.
289	Dewaun Allee, ..	8856	Stoker, ..	Ditto, ..	Ditto, ..	5 4	23rd May 1851,	Scar over right eye-brow.
290	Salmeen, ..	26678	C. Trimmer, ..	Ditto, ..	Ditto, ..	5 4	6th Feb. 1854,	Scar on the upper part of forehead over right eye.
291	Moonshee, ..	46570	Fireman, ..	Ditto, ..	Ditto, ..	5 3¾	23rd May 1856,	Scar between the eye-brows.
292	Runoo Mahomed, ..	44931	Landsman, ..	Mary Anne, ..	Ditto, ..	5 5	20th Feb. 1856,	Scar left temple, ditto on right eye-brow.
293	William B Page, ..	45893	1st Officer, ...	Shah Allum, ..	Ditto, ..	5 4	10th April 1856,	Ink on left arm.
294	Rumzaun, ..	35067	Landsman, ..	Forres, ..	7th Ditto, ..	5 1¼	19th Jan. 1855,	Pock-marked on face, mole on right cheek.
295	Abboo, ..	14899	Sepoy, ..	Oriental, ..	Ditto, ..	5 2	6th Aug. 1852,	Mole left side of face, scar right arm.
296	Sheikh Summud Allee. ..	42056	Lascar, ..	Ditto, ..	Ditto, ..	5 10¼	31st Oct. 1855,	Pock-marked on face, scar on back.
297	Meer Rumzaun Allee, ..	25197	Ditto, ..	Cancelled, the capacity being erased, ..	Ditto, ..	5 5¼	12th Dec. 1853,	Scar on forehead.
298	Allow, ..	39993	Carpenter, ..	Pearl, ..	20th Ditto, ..	5 7¾	21st Aug. 1855,	Scar near right eye, ditto on nose.
299	Furreed, ..	42686	Dandy, ..	Ditto, ..	Ditto, ..	5 2¾	20th Nov. 1855,	Scar centre of forehead, pock-marked on face.
300	Mahomed, ..	43335	O. Lascar, ..	Ditto, ..	Ditto, ..	5 3¾	18th Dec. 1855,	Scars on both cheeks, at corner of left eye, mole on back.
301	Allee Kootee, ..	38389	Lascar, ..	Ditto, ..	Ditto, ..	5 8¼	20th June 1855,	Pock-marked on face, scar on left eye-brow joint.
302	Hadjee Ibrahim, ..	43328	Dandy, ..	Ditto, ..	Ditto, ..	5 5¼	18th Dec. 1855,	Scar on nose, ditto on right cheek.
303	Sudallah, ..	2600	Lascar, ..	Bengal, ..	21st Ditto, ..	5 0¼	20th Sept. 1850,	Mole left side of nose.
304	Chumroo ..	45552	Ditto, ..	Ditto, ..	Ditto, ..	5 4	18th March 1856,	Pock-marked on face, scar on left cheek, scar on back.
305	Lomee ..	19091	C. Trimmer, ..	Ditto, ..	Ditto, ..	5 6	14th March 1853,	Scar left leg and arm.
306	Assmun, ..	41799	Dandy, ..	Ditto, ..	Ditto, ..	5 5¼	26th Oct. 1855,	Scars on both temple, ditto on back.
307	Jubboo, ..	14307	Servant, ..	Ditto, ..	Ditto, ..	6 5¼	12th June 1852,	None.
308	Sheikh Hosein, ..	45057	Gunner, ..	Uncle Tom, ..	23rd Ditto, ..	5 4	25th Feb. 1856,	Scar on forehead, and scar on both arms.
309	Shooroollah, .	42051	Landsman, ..	Hugh Lindsay. ..	25th Ditto, ..	5 6¾	2nd Nov. 1855,	Pock-marked on face, scar on left arm.
310	Leeanut, ..	45752	Ditto, ..	Ditto, ..	Ditto, ..	5 2	29th March 1856,	Wart on left cheek, scar on back and left shoulder.
311	Sheikh Kaeemoollah, ..	45586	Ditto, ..	Ditto, ..	Ditto, ..	5 0¼	19th March 1856,	Slightly pock-marked on face, scar below neck.
312	Mahomed Nukee, ..	42102	Ditto, ..	Ditto, ..	Ditto, ..	5 2¼	1st Nov. 1855,	Scar on left cheek, ditto on right arm, ditto on back of right side.
313	Munsut Allee, ..	42128	Ditto, ..	Ditto, ..	Ditto, ..	5 6¼	2nd Ditto	Pock-marked on face, scar on left cheek, ditto right arm.
314	Jeenut Allee, ..	25020	Dandy, ..	Ditto, ..	Ditto, ..	5 5¾	5th Dec. 1853,	None.
315	Manoo, ..	29584	Ditto, ..	Ditto, ..	Ditto, ..	5 5	20th Jan. 1854,	Pock-marked on the face.
316	Hadjee Abdool Ruhman, ..	43239	Landsman, ..	Amelia, ..	5th July 1856, ..	5 6¼	14th Dec. 1855,	Scar on right upper arm, ditto on left side of back.
317	Areeah, ..	45204	Ditto, ..	Nander, ..	7th Ditto, ..	4 11	1st March 1855,	Scar on forehead, large scar on face.
318	Abdool Ruhman, ..	33053	Sookhanee, ...	Unknown, ..	9th Ditto, ..	5 7¼	6th March 1854,	Pock-marked on the face.
319	Budun Hadjee, ...	33039	Lascar, ..	Ditto, ..	Ditto, ..	5 5	6th Nov. 1854,	Ditto, ditto.
320	Asgur Allee, ..	13913	Ditto, ..	Shanghai, ..	Ditto, ..	5 3	4th May 1852,	Deeply pock-marked on face and scar on face.
321	George Smith, ..	13185	Apprentice, ..	Ditto, ..	Ditto, ..	4 6	10th March 1852,	None.
322	Peroo, ..	2662	Sookhanee, ..	Hindoostan, ..	Ditto, ..	5 6¼	21st Sept. 1850	Slightly pock-marked on face and scar on forehead.
323	Akbar, ..	40186	Ditto, ..	Ditto, ..	Ditto, ..	5 3½	29th Aug. 1855,	Scar on right temple, do. on left arm, do. on pit of stomach.
324	Munnoo, ..	41691	Lascar, ..	Ditto, ..	Ditto, ..	5 4¾	15th Oct. 1855,	Scar on forehead, ditto under right eye, small scar on back.

325	Gholam Nubbee,	..	34263	Dandy,	..	Gold Digger,	..	14th Ditto,	..	5	6	21th Dect.	1854,	Scar on left cheek, ditto on the stomach.
326	Domingo DeLaCruz,	..	45532	Sookhanee,	..	Ditto,	..	Ditto,	..	5	2½	18th March	1856,	Slightly pock-marked on face.
327	Saleem,	..	45003	Dandy,	..	W. Ruhoman.	..	18th Ditto,	..	5	4½	22th Feb.	1856,	Scar on right eye-brow, ditto on left eye-brow.
328	Azeez,	..	45005	Ditto,	..	Ditto,	..	Ditto,	..	5	5¾	Ditto,	1856,	Scar on left cheek, pock-marked on face.
329	Mahomed,	..	45004	Ditto,	..	Ditto,	..	Ditto,	..	5	3¾	Ditto,	1856,	Scar above bridge of nose, pock-marked on face.
330	Hosein,	..	45002	O. Lascar.	..	Ditto,	..	Ditto,	..	5	7½	Ditto,	1856,	Pock-marked on face, scar on left leg shin.
331	Kalla Chand,	..	47627	Lascar,	..	Ditto,	..	Ditto,	..	5	4½	23rd March	1854,	Has four scars on the back and two on the pit of stomach, slightly pock-marked.
332	Chater H. Sakeis,	..	20878	Ditto,	..	Cancelled, the capacity being altered,	..	Ditto,	..	5	0½	31st May	1853,	None.
333	Kummul Khan,	..	28907	Stoker,	..	Bentinck,	..	22nd Ditto,	..	5	7½	23rd May	1854,	Scar on left temple, one ditto on the back of right ear.
334	Khulleul,	..	28287	Dandy,	..	Teak,	..	28th Ditto,	..	5	4	26th April	1854,	Scar over right eye and one on left side of stomach.
335	Nazim,	..	6412	Sale-maker,	..	Colleroon,	..	Ditto,	..	5	5¼	24th June	1851,	Large scar on left thigh.
336	Jameer,	..	29900	Landsman,	..	Teak,	..	Ditto,	..	5	0	13th July	1854,	Has some scars on the back.
337	Warris,	..	19752	Dandy,	..	Colleroon,	..	Ditto,	..	5	2¾	8th April	1853,	Scar right arm.
338	Suffer Allee,	...	27628	Dandy,	...	Colleroon,	...	28th July 1856,	..	4	11¼	23rd March	1854,	Has a scar on the left side of stomach.
339	Danayah,	..	13538	Tindal,	..	Paragon,	..	Ditto,	..	5	3	8th April	1852,	None.
340	Boocheyah,	..	32677	Topaz,	..	Ditto,	..	Ditto,	..	5	3¼	24th Oct.	1854,	Scar on left eye-brow.

C. R. SMITH,
Officiating Registrar of Merchant Seamen.

CALCUTTA;
REGISTER OFFICE OF MERCHANT SEAMEN,
The 20th January 1857.

LIST OF DECEASED SEAMEN'S TICKETS which have been Deposited and Cancelled in this Office from the 1st August 1855 to the 31st July 1856.

Calcutta, Register Office of Merchant Seamen, the 25th January 1857.

Number.	Deceased Seamen's Names.	Number of Register Ticket.	Capacity.	Date of Decease.	Vessel.	Height. Ft. In.	Date of Ticket.	Marks on Person.
1	Munneerooddeen, ..	24516	Dandy ..	26th July 1854, ..	Alliance, ..	5 1½	17th Nov. 1853,	Scar left arm.
2	Kennoo, ..	28456	O. Lascar ..	18th March 1854, ..	Ditto, ..	5 5¼	2nd May 1854,	Scar both temples and numerous scars on the stomach.
3	Kummur Allee, ..	247	Lascar ..	16th Aug. 1854, ..	Ditto, ..	5 0	3rd Aug. 1850,	None.
4	Heera Ghazee, ..	17908	Ditto, ..	Ditto, ..	Ditto, ..	5 3½	20th Jan. 1853,	Scars right arm and left foot.
5	Wassil, ..	19056	O. Lascar, ..	17th Ditto, ..	Ditto, ..	5 2¼	12th March 1853	Scar of a cut near the ankle of right foot.
6	Qorbaun Allee, ..	28536	Lascar, ..	17th March 1855, ..	Ditto, ..	5 3¼	4th May 1854,	Small scar in the throat, one on the left wrist.
7	Ameer, ..	5373	Ditto, ..	13th Aug. 1855, ..	Canning, ..	5 6	17th Dec. 1850,	Pock-marked on face.
8	Joseph Randall, ..	31072	O. S., ..	13th June 1855, ..	Tenasserim, ..	5 5	31st Aug. 1854,	Tattoed on left arm.
9	Pachoo, .	19960	Dandy, ..	3rd Feb. 1854, ..	Cœur de Lion, ..	5 1¼	15th April 1853,	Scar on breast, hole right nostril.
10	Khumseen, ..	16058	Lascar, ..	Ditto, ..	Ditto, ..	5 7¼	4th Oct. 1852,	Scar top of his head and left leg.
11	Simon Hansan, ..	39024	O. S., ..	4th Sept. 1855, ..	City of Sydney, ..	5 5	17th July 1855,	Scar on right side of mouth, ink on both arms.
12	Futteh Allee, ..	20304	Stoker, ..	Unknown, ..	Shanghai, ..	5 4	2nd May 1853,	None.
13	Hassim, ..	29242	Dandy, ..	Ditto, ..	Ditto, ..	5 0¼	12th June 1854,	Scar on the neck, one on the right arm.
14	John McNaught, ..	40170	Fireman, ..	12th Sept. 1855, ..	Died in the Medical Hospital, ...	5 8½	29th Aug. 1855,	Scar upper lip.
15	Thomas de Cruz, ..	36710	Topaz, ..	24th May 1855, ..	Unknown, ..	5 0¼	28th March 1855,	Much pock-marked on face, scar on left eye-brow and forehead.
16	Ruffeek, ..	35775	Bandary, ..	Unknown, ..	Formosa, ..	5 5¼	13th Feb. 1855,	Small round scar on forehead and on nose, scar on left side of stomach.
17	Ghoorun, ..	28268	Topaz, ..	Ditto, ...	Ditto, ..	5 2¾	25th April 1854,	Much pock-marked on face and scar on left ear.
18	Baucha Ghazee, ..	18391	Lascar, ..	Ditto, ...	Ditto, ..	5 5¼	16th Feb. 1853,	Scar right arm, white scar left leg, patch left ditto also.
19	Dennis Fernandes, ..	15499	Sookhannee, .	Ditto, ...	Martaban, ..	5 4½	11th Sept. 1852,	Scar over right eye.
20	Sheikh Buddun, ..	15691	Dandy, ..	Ditto, ..	Ditto, ..	5 3	23rd Sept. 1852,	Slight scar left arm.
21	Waeezoodeen, ..	21509	Lascar, ..	Ditto, ..	Ditto, ..	5 6	29th Jan. 1853,	None.
22	Buxoo, ..	25457	Dandy, ..	Ditto, ...	Ditto, ..	5 3¼	23rd Dec. 1853,	Scar on stomach and one on left shoulder.
23	Peearoo, ..	30530	Landsman, ..	8th June 1855, ..	Colgram, ..	5 7¼	4th Aug. 1854,	Scar on each shoulder.
24	Shumshere, .	4256	Lascar, ..	22nd May 1855, ..	Ditto, ..	5 3	6th Nov. 1850,	Scar over right eye and 2nd finger, left hand cut off.
25	Abdool, ..	27833	Ditto, ..	8th June 1855, ..	Ditto, ..	5 6	3rd April 1854,	Pock-marked on the face.
26	Seedin, ..	27826	Ditto, ..	4th Ditto, ..	Ditto, ..	5 4½	Ditto,	Has a scar in the centre of forehead.
27	Arbaun Allee, ..	3191	Ditto, ..	Ditto, ..	Ditto, .	5 4½	3rd Oct. 1850,	Scar on forehead and ditto right and left arm.
28	Meahjaun, ..	25059	Dandy, ..	Unknown, ..	Ditto, ..	5 1½	6th Dec. 1853,	Scar on back.
29	Azeem, ..	22430	Lascar, ..	Ditto. ...	Ditto, ..	5 4¼	4th Aug. 1853,	None.
30	Ardie, ..	30510	Ditto, ..	Ditto, ..	Ditto, ..	5 3	4th Aug. 1854,	Scar on the right side of mouth.
31	Jamaul, .	30499	Ditto, ..	Ditto, ..	Ditto, ...	5 2	4th Ditto, 1854,	Mole on the chin, scar on the shin of both legs.
32	John Adams ..	30589	A. B., ..	13th Dec. 1854, ...	Taymouth Castle, ..	5 8¼	7th Ditto, 1854,	Slightly pock-marked on face.
33	George Williams ..	30446	Ditto, ..	13th April 1855. ..	Ditto, ..	5 9	3rd Ditto, 1854,	Tattoed on both arms.
34	Needam, ..	27206	Landsman ..	26th Feb. 1855, ..	Ditto, ..	5 4½	3rd March 1854,	Has a scar on the left hand and one on the left leg.
35	Soobrathee, ..	19565	Dandy. ..	9th August 1855, ..	Ditto. ..	5 2¼	31st March 1853,	Scar on both legs and mole on right side of chest.
36	Sarratoollah, ..	15050	Ditto, ..	23rd Oct. 1855, ...	Sir Thomas Gresham, ..	5 9	18th Aug. 1852,	Scar on nose and right arm.
37	Barook, ..	26265	Ditto, .	2nd Ditto, ..	Ditto, ..	5 4½	20th Jan. 1854,	None.
38	Hussen Musree ..	32690	Ditto, ..	3rd May 1855, ..	Ditto, ..	5 1	25th Oct. 1854,	Pock-marked on face, tattoed on right arm and left hand.
39	Shentoof, ..	32280	Lascar, ..	8th Sept 1855, ...	Ditto, ...	5 6¼	11th Oct. 1854,	Left eye has a cast, and scar on left arm.

40	Week Daud, ..	32345	Ditto, ..	21st Oct. 1855,	...	Ditto, ..	5	7	13th	Ditto,		Scar on right cheek, pock-marked on face.
41	Koreejo, ..	33129	Servant, ..	26th Ditto,	..	Ditto, ..	5	0	8th	Nov.	1854,	Slightly pock-marked on face.
42	Sheikh Kamoo, ..	21754	Bandary, ..	6th August 1855,	..	Aga Bahker, ..	5	1	7th	July	1853,	None.
43	Ensuf Allee, ..	24329	O. Lascar, ..	Unknown,	..	Joakhim, ..	5	4¾	11th	Nov.	1853,	None.
44	Oomed Allee, ..	19119	Lascar, ..	Ditto,	..	Ditto, ..	5	0¾	11th	March	1853,	Scar on stomach.
45	Wasseemooddeen, ..	30384	Dandy, ..	Ditto,	..	Ditto, ..	5	3¾	1st	Aug	1854,	Scar on the back-bone.
46	Chand, ..	7972	Sookhannee ..	21st Nov. 1855,	..	Tubal Cain, ..	5	6	1st	April	1851,	Scar left arm.
47	Manuel Gomes, ..	41268	Servant, .	29th Nov. 1855,	..	Ditto, ..	5	1½	3rd	Oct.	1855,	Sears below right temple, ditto on left cheek, ditto on stomach.
48	Henry McKay, ..	41981	A. B., ...	General Hospital,	..	Unknown, ..	5	7	30th	Oct.	1855,	Ink both arms.
49	Henry Taylor, ..	41202	Ditto, ..	Ditto.	..	Ditto, ..	5	11½	2nd	Ditto,	..	Ink both arms, scars on forehead.
50	Juan Chrisostomo, ..	27615	Sookhanee, ...	10th Oct. 1855,	..	Gallant, ..	5	3	23rd	March	1854,	Has a cut mark across the left eyebrow.
51	Mahomed Nuckee, ..	17537	Stoker, ..	10th Dec. 1855,	..	Bentinck, ..	5	8¾	5th	Jan.	1853,	Scar both arms.
52	Kurreem, ..	19302	Sookhanee, ..	13th July 1855,	..	General Godwin, ..	5	4	21st	March	1853,	I and C × on right arm and scar on stomach.
53	Francis Antonio, ..	38066	A. B., ...	Unknown,	..	Marian. ..	5	0	6th	June	1855,	Ink on both arms.
54	Hyder, ..	19510	Dandy, ..	6th Dec. 1855,	...	Montgomery, ..	5	2½	29th	March	1853,	Cast on both eyes.
55	Paunch Cowrie, ..	24630	Lascar. ..	11th Nov. 1855,	..	Ditto, ..	5	5½	21st	Nov.	1853,	None.
56	Sheikh Yacoot, ..	21868	Ditto, ..	2nd Dec. 1855,	..	Ditto, ..	5	2½	13th	July	1853,	None.
57	Hazill, ..	32511	Ditto, ..	28th Oct. 1855,	...	Ditto, ..	4	10¾	18th	Oct.	1854,	Scar on left shoulder, ditto on right arm.
58	Gholam Allee Beg, ..	38186	Dandy, ...	10th Ditto.	.	A. J. Kerr, .	5	4½	11th	June	1855,	Pock-marked on face and scar on forehead.
59	Hussan Allee, ..	4011	Lascar, ..	7th Jan. 1856,	...	Bengal, ..	5	1¼	1st	Nov.	1850,	Scar on right leg and arm.
60	Illahee Bukhsh, ..	4283	Ditto, ..	Unknown,	...	Krishna, ..	5	4	6th	Ditto,	..	Much pocked on face.
61	Almas,	17835	Ditto, ..	Ditto,	..	White Eagle, ..	5	10½	18th	Jan.	1853,	None.
62	Mahomed Cooaknee, ..	39513	O. Lascar, ...	Ditto,	..	Mary Anne, ...	5	8	3rd	Aug.	1853,	Pock-marked on face, scar on forehead, scar on right arm.
63	Abdallah, ..	33325	Lascar, ..	26th Oct. 1855,	..	Bengal Merchant, ..	5	8	16th	Nov.	1854,	Scar on both cheeks.
64	Vedapah, ..	39300	Servant, ...	2nd Dec. 1855,	..	Ditto, ..	5	3	28th	July	1855.	Tattoed on chest, ditto on both arms.
65	Surwur Khan, ..	27727	Lascar, ..	3rd Ditto.	..	Ditto, ..	5	5¼	29th	March	1854,	None.
66	Sheikh Hadjee Aboo Banker, .	40606	Serang. ..	15th Jan. 1856,	..	Perseverance, ..	5	2½	11th	Sept.	1855,	Pock-marked, scar on right shoulders blade bone.
67	Allaho DeCrux, ..	35192	Sokhanee, ..	25th Oct 1855,	..	Falstaff, ..	5	2¼	25th	Jan.	1855,	Scar on right cheek, small wound on forehead.
68	Gomok, ..	13845	Stoker, ..	19th Nov. 1855,	..	Ditto, ..	5	4½	29th	April	1852,	Scar right leg.
69	Azeem, ..	1672	Lascar. ..	13th Dec 1855,	..	Oriental, ..	5	2½	2nd	Sept.	1850,	Scar on right cheek.
70	Metoo, ...	35680	Servant, ..	21st Jan. 1856,	..	Bentinck, ..	5	4¼	8th	Feb.	1855,	Slightly pock-marked on face, scar on forehead.
71	Nizam, .	12286	Sepoy, ..	23rd Dec. 1855,	..	Ditto, ..	5	4¾	15th	Jan.	1852,	None.
72	Sol, ..	43017	O. Trimmer. ..	6th Jan. 1856,	..	Ditto, ...	5	7¾	4th	Dec.	1855,	Wart on left temple, scar on right arm, scar right elbow, ditto on back.
73	Philip Rose, ..	44311	Carpenter, ..	13th Feb. 1856,	...	General Hospital, ..	5	2¾	29th	Jan.	1856.	Scar on nose, ditto on right cheek.
74	Moosa, ..	32994	Landsman, ..	Unknown,	..	Krishna, ..	5	0¼	4th	Nov.	1854,	Small scar on the left side of nose on lip, ditto on right ankle.
75	Joomun, ..	38403	Ditto, ...	29th Nov. 1855,	..	Soubahdar, ..	5	5¼	21st	June	1855,	Scar on skull above forehead, ditto on left wrist.
76	Fyzoo, ..	4917	Lascar, ...	1st Jan. 1855,	..	Unknown, ..	5	4	26th	Nov.	1850,	Scar on right arm.
77	Deen Mahomed, ..	28779	Landsman, ..	Unknown,	..	W. Rohoman, ...	5	4	17th	May	1854,	Small scar on the forehead,
78	Perso, .	3071	Lascar, ...	Ditto,	..	Ditto, ..	5	4¾	1st	Oct.	1850,	Scar on forehead.
79	Esoph, ..	5303	Ditto, ..	Ditto,	..	Ditto, ..	5	8	14th	Dec.	1850,	Scar on right leg.
80	Sheikh Doolah, ..	41490	Landsman, ...	5th Jan. 1856,	..	Julia, ..	5	6	9th	Oct.	1855,	Scar on face, scar on right arm.
81	Eusuff, ..	38258	Ditto, ...	4th Feb. 1856,	..	Ditto, ..	5	6	13th	Jan.	1855,	Scar on right side of nose, ditto on both shoulders.
82	Peeroo, ..	41489	Ditto, ..	6th March 1856,	..	Ditto, ..	5	4½	9th	Oct.	1855,	Cast on the eyes, scar over right temple.
83	Hussun Allee, ..	27157	Landsman, ..	12th Feb. 1856,	..	Teak, ..	5	6¼	1st	March	1854,	Has a scar on the left shoulder.
84	Khoda Bukhsh, ..	35409	Ditto, ...	Unknown,	..	Ditto, ..	5	6	31st	Jan.	1855,	Pock-marked on face, mole on left cheek.
85	Ayoung, ...	35278	Carpenter, ...	Ditto,	..	Ditto, ..	5	4½	26th	Jan.	1855,	Slightly pock-marked on face, scar on back of head low down.
86	Mariano Peire, ..	11626	Topaz, ..	16th Dec. 1855,	..	Jagoff. ..	5	4	12th	Dec.	1851,	Scar on the right side of neck.
87	Cassim, ..	2149	Lascar, ..	28th Feb. 1856,	..	Ditto, ..	5	2	9th	Sept.	1850,	Slightly pock-marked on face, and mole on chest.
88	James Hammond, ..	45511	A. B., .	Unknown,	..	Gunga Khan, ..	5	9	17th	March	1856,	Wart on forehead, ink on right arm.

Number.	Deceased Seamen's Names.	Number of Register Ticket.	Capacity.	Date of Decease.	Vessel.	Height. Ft. In.	Date of Ticket.	Marks on Person.
89	Urbaun Allee, ..	22272	Lascar, ...	Ditto, ..	Fame, ...	5 3¼	27th July 1852,	Scar right arm.
90	Salmeen, ...	24486	C. Trimmer, ..	22nd Oct. 1855, ..	Norna, ..	5 4¾	17th Nov. 1853,	Defect left eye, pock-marked on face.
91	John Harding, ..	1834	Steward, ..	Unknown, ...	Pottinger, ...	5 6¾	1st Sept 1850,	Scar over right eye.
92	Nizam Allee, ..	25725	Dandy. ..	7th May 1856, ..	Tassoom Family, ...	5 2¼	4th Jan. 1854,	Scar left arm and forehead.
93	Tukee Mahomud, ..	27287	Landsman, ...	27th May 1855. ..	Henry Moore, ...	5 2	17th March 1854,	Has a scar near the left eye, and one on the knee cap of the right leg.
94	Mahomud. ..	41615	O.Lascar, ...	1st Dec. 1855, ..	Earl of Clare, ..	5 4¾	12th Oct. 1855,	Scar right jaw and right arm.
95	Abdool Guffoor, ..	4633	Tindal, ..	20th Oct. 1855. ..	Henry Moore, ..	5 7¾	18th Nov. 1850,	None.
96	Dhoomun, ..	17293	Bandary, ..	6th April 1855. ...	Ditto, ..	5 2¼	24th Dec. 1852,	None.
97	Awud, ..	31078	Lascar, ..	28th March 1855, ..	Ditto, ..	5 4¼	19th Aug. 1854,	Pock-marked on face, large scar on the back of left ear.
98	Sheikh Punjoo, ..	19387	Dandy, ..	7th June 1855, ..	Henry Moore, ..	5 4¼	23rd March 1853,	Scars on stomach.
99	Newazoollah, ..	33154	Landsman, ..	Unknown, ..	Unknown, ..	5 5¼	8th Nov. 1854,	Slightly pock-marked on face, scar on muscular part of right arm.
100	Wuzzeer, ..	1644	Lascar, ..	Ditto, ..	Hindoostan, ..	5 5	2nd Sept. 1850,	Scar on left hand.
101	Murzook, ..	9985	C. Trimmer, ..	Ditto, ..	Ditto, ..	5 5¾	30th Augt. 1851,	Scar on back and ditto right arm.
102	Mahomed Allee, ...	17803	Stoker, ..	Ditto, ..	Ditto, ..	5 6¾	17th Jan. 1853,	Scar right arm, left wrist, right hand.
103	Khameez ..	15086	C. Trimmer, ..	Ditto, ..	Ditto, ..	5 3	21st Augt. 1852,	Scars both legs.
104	Waies Mahomed, ..	42664	Fireman, ..	10th Nov. 1856, ..	Nubia, ..	5 6½	21st Nov. 1855,	Scar at corner of left eye, scar on left upper arm.
105	Wm. R. Peterman, ..	46785	A. B. ..	Unknown, ..	Unknown, ..	5 10	2nd April 1856,	Scar on upper lip.
106	Achong, ..	39625	Carpenter, ..	19th Sept. 1855, ..	Clarissa, ...	5 4¾	7th Augt. 1855,	Scar below left temple, ditto on left side of chin.
107	Mohsun Allee, ..	24543	O. Lascar, ..	17th Ditto, ..	Forres, ..	5 1¼	18th Nov. 1853,	Scar right leg.
108	Tofur Allee. ..	25083	Ditto, ..	Ditto, ..	Ditto, ..	5 1¾	7th Dec. 1853,	Scar on left arm.
109	James Van Woollen, ..	44790	Sookhanee, ..	2nd April 1856, ..	F. Sallum, ..	5 6¼	15th Feb. 1856,	Slightly pock-marked on face and scar on right eye.
110	Sheraz, ..	8311	C. Trimmer, ..	Unknown, ..	Pearl, ..	5 6¼	15th April 1851,	Cut on both temples.
111	John Mathias, ..	41908	Gunner, ..	Ditto, ..	Ditto, ..	5 5¼	29th Oct. 1855,	Scar on right eye brow, ink on right arm.
112	Assim, ..	26460	Dandy, ..	Ditto, ..	Unknown, ..	5 2	27th Jan. 1854,	A scar over the left eyebrow.
113	Coonjee Kootee, ..	6264	Lascar, ..	Ditto, ..	Ditto, ..	5 2¾	22nd Jan. 1851,	Deeply pock-marked. on face and 1st joint 1st finger right hand cut off.
114	Abdool Ruhman, ..	12478	Ditto, ..	Ditto, ..	Ditto, ..	5 8¾	29th July 1852,	Scar crown of head.
115	Salmeen, ..	23787	Ditto, ..	26th May 1856. ..	W. Rohoman, ..	5 8	20th Oct. 1853,	None
116	Moosahib Khan, ..	45387	Landsman, ..	18th April 1856, ..	Ditto, ..	5 1¼	10th March 1856,	A scar on face and scars on both arms.
117	Sumshere Allee, ..	21668	Lascar, ..	29th March 1856, ..	Soubahdar, ..	5 3½	4th July 1853,	Large scar right arm.

C. R. SMITH,
Officiating Registrar of Merchant Seamen.

CALCUTTA,
REGISTER OFFICE OF MERCHANT SEAMEN,
The 20th January 1857.

JOHN GRAY, "CALCUTTA GAZETTE OFFICE."

THIRD SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 11, 1857.

Land-Sale Notice.

NOTICE is hereby given, that the under-mentioned Estates in Zillah Backergunge will be put up to public and unreserved Sale, at the Collector's Office of that District, on Thursday, the 5th March 1857, or the 23rd Falgoon 1263 B. S., under orders of Government dated 25th July 1854, No 1,79, and as per Roobocarry of the Magistrate of Backergunge, dated the 2nd January 1857. The Mehals in question were advertised for Public Sale on the 11th December 1854, but the Sale was subsequently postponed as per Roobocarry of the above Magistrate, dated the 9th December 1854:—

Sixteen gundahs two cowries two krants share of an Oosut Talook of Mr. George D'Souza, in Joar Preckeeah, in Pergunnah Jaffrabad Ruffeeanungger, appertaining to Pergunnah Chunderdeep; sudder jumma, Company's rupees 8-5-4.

Two annas thirteen gundahs one cowrie one krant share of Howlah Ramrutton Mojoomdar in the above Oosut Talook; sudder jumma, Company's rupees 13-13-10-8.

Two annas thirteen gundahs one cowrie one krant share of a Howlah in the names of Sheebchunder Mojoomdar and others in the above Oosut Talook; sudder jumma, Company's rupees 2-9-7-6¾.

Two annas thirteen gundahs one cowrie one krant share of Howlah Sheeb Chunder Mojoomdar and others in the above Oosut Talook; sudder jumma, Company's rupees 1-12-10-13¼.

Ditto ditto ditto; sudder jumma, Company's rupees 1-1-9-5.

Ditto ditto of Howlah Ramrutton Mojoomdar, in the name of Gourchunder Roy, in the above Oosut Talook; sudder jumma, Company's rupees 41-7-19¼.

Five annas six gundahs two cowries two krants share of Nim Howlah Bhyrubchunder Mojoomdar, situated in Howlah Sheeb Chunder Mojoomdar and others; sudder jumma, Company's rupees 1-0-0.

ZILLAH BACKERGUNGE;
Collector's Office,
The 23rd January 1857.

C. W. MACKILLOP,
Officiating Collector.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 11, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 11th of April next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Bengal.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the General Regulations of the Bengal Code : It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Territories under the Government of the Lieutenant Governor of Bengal as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

The Sudder Court at Calcutta shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges.

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs.

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges ; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers

6. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bengal Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to the Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Suits for real property in Zillah Courts subject to different Sudder Courts.

18. If the Zillah Courts, within the limits of which the property is situated, are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the zillah, in which the action is brought, is subject; and the Sudder Court, to which such application is made, may, with the concurrence of the Sudder Court, to which the other zillah is subject, give authority to proceed with the same.

Declaratory suit.

19. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

la wful for the Court to make binding declarations of right without granting consequential relief.

20 The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to revi ws of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued.

The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—
Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4) When the claim is for any property other than money, its estimated value Company's Rupees The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

5 If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

Reference to be made to the Judge in a suit for property in different jurisdictions.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Form of the register

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Document of debt shou'd be shown to the officer.

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

summons may be for settlement of issues, or final disposal

Of Summoning the Defendant.

10. The summons shall be in the following form, or to the following effect :—

Form of summons.

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

Directions to be endorsed on summons to settle issues

(1) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs

(2) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto, so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon :—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14 If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpese of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the sommons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bengal Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bengal Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the pleintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the, supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post-letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bengal Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bengal Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bengal Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, whether such Court be within the said Presidency or not, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Cases in which Court may issue a Commission to examine witnesses.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Calcutta, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, whether such place be within the said Presidency or within the territories in the possession of the East India Company or not, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the prsence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

mmission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the procedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered.

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV, respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bond fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bond fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Calcutta it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Calcutta, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale, and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment, for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years;

and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

Chapter VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest-d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem propor, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested.

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bengal Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court at Calcutta.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application.

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*]Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Calcutta [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court, the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent, to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground.

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds.

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon the consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Judge shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which he may have admitted a review of judgment, together with the grounds on which the review has been admitted, and shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.

COURT of the of holden at .

REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.

SUDDER COURT at CALCUTTA [or Zillah Court at .]

REGISTER of APPEALS from FINAL DECREES in the year 18 .

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.

SUDDER COURT at CALCUTTA [or Zillah Court at .]

REGISTER OF APPEALS from ORDERS in the year 18 .

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRANT, "CALCUTTA GAZETTE" OFFICE.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

SATURDAY, FEBRUARY 14, 1857.

Legislative Council.

The 7th February 1857.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 31st January 1857, and is hereby promulgated for general information :—

ACT No. III OF 1857.

An Act relating to Trespasses by Cattle.

Preamble.

WHEREAS loss and injury are suffered by cultivators and occupiers of land from damage done to crops and other produce of land by the trespass of Cattle, and whereas damage is done to the sides and slopes of public roads and embankments by cattle trespassing thereon ; and whereas it is expedient to authorize the seizure and detention of Cattle doing damage as aforesaid and also to make provision for the disposal of cattle found straying in any public place: It is enacted as follows :—

Laws repealed.

I. Section IV Regulation V. 1830 of the Bengal Code, Sections XII and LII Regulation XI. 1816 of the Madras Code, and such parts of Sections XIX, XLV, and LIII Regulation XII. 1827 of the Bombay Code, as authorize the Magistrates or Police Officers to take charge and dispose of stray Cattle, are hereby repealed.

Cattle doing damage to land may be seized and impounded

II. It shall be lawful for the cultivator or occupier of any land to seize, or cause to be seized, any cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village or township in which the land is situate. Village and other Police Officers, when called upon shall give their aid to cultivators and occupiers making such seizures.

Where pounds shall be established.

III. Pounds shall be established at the thannahs or district Police stations, and at such other places as the Magistrate, under the orders of the local Government, may determine. The village or villages by which every pound is to be used shall be determined and notified by the Magistrate.

Control and management of pounds.

IV. The pounds shall be under the control of the Magistrate of the district, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the local Government shall direct. Provided that, in the Presidencies of Fort St. George and Bombay, the heads of villages and Police patells shall be ex-officio the keepers of village-pounds.

Seizures to be registered

V. When Cattle are brought to a pound, the pound-keeper shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner if known, and shall give a copy of the entry to the seizer. The pound-keeper shall take charge of and feed the Cattle until disposed of as hereinafter directed.

Pound-keeper to take charge of and feed cattle.

Fines.

VI. For every head of Cattle impounded as aforesaid, a fine shall be levied according to the following scale :—

	Annas.
Camel or Buffalo, ...	8
Horse or Tattoo, Bull, Bullock, or Cow,	4
Calf or Ass, ...	2
Sheep or Goat, ...	1

and no Cattle shall be released by a pound-keeper

without the payment of such fine unless the release be ordered by competent authority.

Procedure if owner appear and claim the Cattle.

VII. If the owner appear and claim the Cattle, they shall be delivered to him on payment of the prescribed fine together with the expense of feeding the Cattle at such rates as may from time to time be fixed by the Magistrate; and the owner, on taking back his Cattle, shall sign a receipt for them in the register kept by the pound-keeper. A schedule of the fines and of the rates of charge for feeding Cattle shall be stuck up in a conspicuous place on or near to every pound.

Procedure if Cattle be not claimed within a specified time.

VIII. If the Cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the Darogah or district Police Officer, who shall stick up in a conspicuous part of the Police Office a notice containing a statement of the number and description of the Cattle, the place where they were seized, and the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village, and at the market place, nearest to the place of seizure. If the Cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the Darogah or district Police Officer or an Officer of his establishment deputed for the purpose.

Procedure if owner appear and refuse or omit to pay the fines and expenses.

IX. If the owner appear, and refuse or omit to pay the fines and expenses, the Cattle, or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the Darogah or other Officer as aforesaid; and the remaining Cattle, and the balance of the purchase money, if any, shall be delivered to the owner, together with an account shewing the number of Cattle seized, the time during which they have been impounded, the charge for fines and expenses, the number of Cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of; and the owner shall grant a receipt for the Cattle delivered to him and for the balance of the purchase money paid to him (if any) according to such account. Provided always that, if a complaint against the seizure shall have been preferred under the provisions of Section XIV of this Act, no sale shall be made until the case shall have been decided, nor otherwise than according to the order which may be passed in such case.

Proviso.

Police Officers and pound-keepers not to purchase Cattle at a sale under this Act.

X. Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any Cattle at a sale under this Act.

Disposal of sale-proceeds, fines, and expenses.

XI. When Cattle are sold under the provisions of this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the sale-proceeds. The fines so recovered, as well as all fines received by the pound keepers under Section VII, shall be transmitted to the Magistrate by the Darogah, or district Police Officer. The expenses of feeding realized by sale shall be paid over to the pound-keepers who shall also retain and appropriate all sums received by them on account of such expenses under Section VII. The surplus proceeds of the sale of unclaimed Cattle shall be transmitted to the Magistrate, who shall hold them in deposit for three months, and, if no claim to them be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

Fines and unclaimed proceeds of sales to form a fund for the payment of pound-keepers, &c.

XII. The sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle shall form a fund which shall be available for the payment of any salaries which may be allowed to pound-keepers under the orders of the local Government or of expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act.

Penalty for forcibly opposing the seizure of Cattle or rescuing the same.

XIII. Every person who shall forcibly oppose the seizure of Cattle doing damage to land or to crops or other produce of land, or shall forcibly rescue the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound, shall be liable for such offence to imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding five hundred Rupees, or to both. Offences under this Section shall be dealt with by the Police Officers according to the provisions of Section XXV Regulation XX. 1817 of the Bengal Code, Section XXVII Regulation XI. 1816 of the Madras Code, and Section XLIII Regulation XII. 1827 of the Bombay Code.

Owner may prefer complaint to Magistrate within 10 days from date of seizure of his Cattle.

XIV. Any person whose Cattle shall have been seized and detained as doing damage to land or any crop or produce thereon, may prefer a complaint against the seizure, at any time within ten days from the date thereof, to the Magistrate, or to any Joint, Deputy, or Assistant Magistrate or other Officer having criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate.

Procedure.

The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other Officer as aforesaid, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate or other Officer as aforesaid, if on examination of the complainant or his agent he shall see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary enquiry into the case. If the seizure be adjudged illegal, the Magistrate or other Officer as aforesaid shall award to the complainant such damages, not exceeding in any case the sum of Rupees one hundred, as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure and detention, together with all expenses incurred by the complainant in procuring the release of the Cattle; or, if the Cattle have not been released, the Magistrate or other Officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fines and expenses leviable under this Act shall be paid by

Damages for illegal seizure.

the party who made the seizure. Moonsiffs and other Judicial Officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the local Government with the power of receiving and trying complaints under this Section, and in the exercise of such powers shall be subject to the same rules as Assistants and other Officers subordinate to the Magistrate.

Moonsiffs and others may be invested with power to adjudicate under this Section.

XV. Persons in charge of public roads, canals, embankments, and the like, may seize or cause to be seized any Cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall be applicable to such seizures.

Impounding of Cattle doing damage to roads, embankments, &c.

XVI. Village and other Police Officers shall convey to the pounds established under Section III of this Act all Cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of Cattle seized as trespassing and doing damage, shall be applicable to all Cattle impounded as aforesaid.

Impounding of stray Cattle the owners of which are unknown.

XVII. When any person commits mischief by causing Cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorized to seize Cattle under Section II of this Act, or of any person who may have made advances for the cultivation of the land and delivery of the produce; and any fine which shall be so adjudged may be recovered by sale of the Cattle by which the trespass was committed, or any portion of them, whether the Cattle were seized in the act of trespassing or not, and whether such Cattle are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

Recovery of penalty for mischief committed by causing Cattle to trespass.

XVIII. Any person, being an owner or keeper of pigs, who, through neglect or otherwise, shall damage or cause or permit to be damaged, any land or any crop or produce of land by allowing pigs to trespass thereon, shall be liable for such offence to a fine not exceeding ten Rupees. All sums recovered under this and the last preceding Section may be appropriated in whole or in part to compensate the complainant for damage proved to the satisfaction of the Magistrate.

Penalty for damage caused to land or crops by pigs.

Application of fines.

XIX. Nothing contained in this Act shall be held to prohibit any person, whose crops or other produce of land shall have been damaged by trespass of Cattle, from instituting a suit for the recovery of damages in any competent Court. Provided that any compensation which may have been paid to any such person by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as damages in such suit.

Saving of right of parties to institute a suit for the recovery of damages in any competent Court.

Proviso.

XX. The local Government, with the sanction of the Governor General in Council, may exclude from the operation of this Act any district or tract of country to which its provisions may be judged unsuitable.

Local Government, with the sanction of the Governor General in Council, may exclude any district, &c., from the operation of this Act.

XXI. In the construction of this Act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular; words importing the masculine gender shall include females; the word "Magistrate" shall include a Joint Magistrate, or other Officer lawfully exercising the powers of a Magistrate; the expression "Darogah or District Police Officer" shall, in the North-Western Provinces of the Presidency of Fort William, include a Tuhseeldar or Naib Tuhseeldar entrusted with Police powers.

Interpretation.

XXII. This Act shall commence and take effect from and after the first day of May 1857.

Commencement of Act.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee who are to report thereon after the 11th of April next:—

A Bill for raising Funds for making and repairing Roads in the Suburbs of Calcutta and the Station of Howrah.

WHEREAS considerable sums are expended annually by Government for making and repairing roads in the suburbs of Calcutta and the station of Howrah; and whereas it is just and expedient that such expenses should be defrayed by the inhabitants of the said suburbs and station in the same manner as the expense of making and repairing roads in the Town of Calcutta is defrayed by the inhabitants of the said Town; and whereas a tax has been imposed upon carriages and horses kept within the said Town, and it is expedient that a similiar tax should be imposed upon carriages and horses kept within the said suburbs and station: It is enacted as follows:—

Preamble.

I. The sums required for making and repairing roads within the limits of the said suburbs and station, except as hereinafter otherwise provided, shall be contributed by the inhabitants of the said suburbs and station, and shall be recovered in the manner hereinafter provided.

Expense of making roads to be defrayed by inhabitants.

II. A tax shall be imposed upon all carriages, horses, ponies, and mules kept within the limits of the said suburbs and station as those limits are defined in Act 1857, at the rates specified in the annexed Schedule, and shall be payable quarterly by the owners or persons having charge of the same.

A tax to be imposed on carriages, horses, &c.

III. Provided that the carriages and animals hereinafter mentioned shall be exempt from the tax, namely,

Exemptions.

Gun-carriages, and Ordnance carts and waggons.

Cavalry horses.

Horses belonging to Officers doing regimental duty at the Presidency or in the said suburbs or station, at the rate of one horse for each Officer.

Carriages and animals kept for sale and not used for any other purpose, if kept by *bonâ fide* dealers in such carriages or animals.

IV. The Lieutenant Governor of Bengal may appoint such person as he shall deem fit to be Collector of the carriage and horse-tax in the said suburbs, and in the said station.

Lieutenant Governor may appoint Collector of tax.

V. Every person who may have owned or had charge of any carriage or animal kept within the said suburbs or station for a period exceeding thirty days in any quarter, shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that, when any person owning or having charge of any carriage or animal shall transfer the same to another person, he shall give notice thereof to the Collector within one week of the date of such transfer, or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such carriage or animal shall not have exceeded thirty days.

What will constitute liability to the tax for a whole quarter.

VI. When a carriage shall have been under repair at a carriage-maker's for more than thirty days in any quarter, the Collector shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

Carriages under repair.

VII. The Collector, at his discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the rates specified in the Schedule.

Collector may compound with livery stable-keepers.

VIII. Carriages and horses, let out for hire and kept for the time being in premises situated within the said suburbs or station, although owned by livery stable-keepers or others not residing within the limits of the said suburbs or station, shall be subject to the tax, and the sums to be charged for such carriages and horses shall be recoverable from the persons in whose premises they are for the time being kept.

Carriages and horses let for hire to residents in the suburbs liable to the tax.

IX. Every carriage of the description rated in the Schedule at one Rupee and eight annas, kept within the said suburbs or station and let out for hire, shall be registered in the Office of the Collector and shall bear, in such manner as the Collector shall direct, the number of such registration. The registration shall be made and the number assigned annually upon such day in each year as the Collector shall appoint. Any person becoming possessed, within the year, of any such carriage which has not been registered, may obtain registration on application to the Collector at his Office. When any registered carriage is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

Registry and numbering of carriages for hire.

X. Whoever keeps any such carriage, required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees, and the Collector or any Officer duly authorized by him may seize or cause to be seized any such carriage (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the horses or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the Collector or his Officer as aforesaid, to seize and detain the same. If the carriage as aforesaid be not claimed or if the fine be not paid within ten days, such carriage, together with the animals seized with it, may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Collector.

Penalty for not registering.

XI. The Collector shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at his Office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax assessed thereon.

List of persons liable to tax to be prepared.

XII. In order to enable the Collector to make such list, the Collector or any Officer authorized by him may send to all persons supposed to be liable to the payment of the tax, a Schedule to be filled up with such information respecting the carriages and animals kept by them as the Collector may judge necessary for the assessment of the tax. The Schedule shall be filled up in writing, and signed and dated, and returned to the Office of the Collector by every person to whom it is sent whether or not liable to the payment of the tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Returns may be required for purpose of making list.

XIII. The Magistrate on the report of the Collector may, if he think proper, summon any person supposed to be liable to the payment of the tax, or any servant of such person, to appear before the Collector; and the Collector may examine such person or his servant as to the number and description of the carriages and horses in respect of which such person is liable to be assessed. If the person summoned shall, without lawful excuse, fail to appear in pursuance of the summons, or shall refuse to answer any lawful question of the Collector, or

Power to summon persons liable to tax.

knowingly give an incorrect answer, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Appeal against assessment may be made to Magistrate.

XIV. Any person who may dispute his liability for any assessment made under the foregoing provisions of this Act or the amount of any such assessment, may appeal to the Magistrate. Provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Magistrate's decision final.

XV. The decision of the Magistrate upon every such appeal shall be final and conclusive; and no person shall be entitled to contest any assessment made under the foregoing provisions of this Act, in any other manner than by appeal to the Magistrate as hereinbefore provided.

Bill to be presented.

XVI. When any sum is due on account of the said tax, the Collector shall cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the carriages and animals for which the charge is made, together with a notice of the time within which an appeal may be preferred.

Notice of demand.

XVII. If the bill is not paid by the person liable to pay the same within five days from the presentation thereof, the Collector may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act, or to the like effect; and if such person shall not, within five days from the service of such notice of demand, pay the sum due or show sufficient cause for non-payment of the same to the satisfaction of the Collector, and if no appeal shall have been preferred, such sum with all costs may be levied by distress and sale of the goods and chattels of the defaulter under a warrant in the form (B) in the Schedule, or to the like effect, to be issued for that purpose by the Collector.

Inventory and notice of sale.

XVIII. The Officer charged with the execution of the warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

XIX. If the arrear is not paid with costs, or the warrant is not discharged or suspended by the Collector, the goods and chattels seized shall be sold under the orders of the Collector, who shall apply the proceeds or such part thereof as may be necessary in discharge of the said arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the goods, and chattels at the time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the table of fees in the said schedule.

Fees.

Collector may sue instead or on failure of distress

XX. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or part of any sum due in respect of the tax, the Collector may sue the person liable for the same in any Court of competent jurisdiction.

Estimate of probable expense of making and repairing roads to be prepared annually, and published.

XXI. Previously to the first day of May of each year an estimate shall be prepared of the amount required during the year for the purpose of making and repairing roads in the said suburbs and in the said station; and such estimate, when sanctioned by the Lieutenant Governor, shall be published in the *Official Gazette* for general information. If the said estimate shall exceed the sum which the carriage and horse-tax is estimated to produce, with the addition of such further sums as may be assigned by Government for the said purpose out of the Ferry Fund, or any other public fund, such excess shall be added to the amount of the assessment or rate to be levied in the said suburbs and station under Act XX of 1856, and shall be made and recovered according to the provisions of that Act. Provided, however, that the limitation prescribed for an assessment or rate by Section XI of the said Act shall not be applicable to any assessment or rate made under this Act.

If estimate of expense exceed estimated produce of carriage and horse tax, excess how to be recovered.

Proviso.

Collections and fines to be paid to suburban roads fund.

XXII. The proceeds of any assessment or rate made as aforesaid shall be kept distinct from the proceeds of the assessment or rate made for the purposes of the said Act XX of 1856, and such proceeds, together with all sums received by the Collector of the carriage and horse-tax and all sums assigned by Government as above provided, and all fines and penalties levied under this Act, shall form a fund which shall be called in the suburbs of Calcutta "the suburban roads fund," and in the station of Howrah "the station roads fund."

Appropriation of fund.

All expenses incurred for the purpose of this Act shall be defrayed from the said fund, and the residue shall be applied exclusively to making, repairing, and improving roads within the limits of the said suburbs and station. Provided that no payment shall be made from the said fund for the repair of such roads or parts of roads as are hereinafter described, namely, in the said Suburbs—

The Barrackpore road with the Lock gate road.
The road from the Cossipore gun-foundery to Dum-Dum.
The Belgatchya or Dum-Dum road.
The Behalea or Diamond Harbour road from the cross road to Allipore and Tollygunge.
The Budge Budge road.
The Gurreahhath or Culpee road from the end of Old Ballygunge road.
The Canal roads, and the roads leading from the Canals and Salt-water lake into the Town, namely, the Balliaghutta, Narkooldangah, Manicktollah, Oultadunga, Gooreeparah, South Sealdah, Khoolenh, Nimtollah, Jonmajoy Baboo's Khodagunge, and Khidgbatta roads, and the Soorah road between the Balliaghatta and Narkoolda nga road.

In the said St ion—
The Hooghly road from the part where it is crossed by the Old Benares road.

The Old Benares road from the same point—or for making or maintaining any part of any other main road of communication between the Town of Calcutta and the interior of the country which may hereafter be constructed.

Statement of expenses incurred, and of receipts and disbursements of fund, to be published annually.

XXIV. The Lieutenant Governor of Bengal shall cause Statements to be prepared annually of all expenses incurred on account of making, repairing, and improving the roads of the said suburbs, and of the said station, and of all sums credited to, and disbursed from the suburban roads fund and the Howrah station roads fund, and the said Statements shall be published in the *Official Gazette* for general information.

SCHEDULE.

	Rupees per Quarter.		
For every 4-wheel carriage on springs drawn by two horses	4	8	0
For every 4 wheel carriage on springs, drawn by one horse, or pony, or a pair of ponies, under thirteen hands	1	8	0
For every 4-wheel carriage, without springs	1	8	0
For every 2-wheel carriage on springs	2	4	0
For every 2-wheel carriage without springs, drawn by a horse, pony, or mule	0	12	0
For every horse	2	4	0
For every pony under thirteen hands, or mule	0	12	0
Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty four inches in diameter, exempt.			

A.

NOTICE OF DEMAND.

Take notice that the Collector of the horse and carriage-tax for demands from you the sum of due from you for for the months of 185 ; and that if the sum due is not paid into the said Collector's office at or if sufficient cause for the non-payment of the sum is not shown to the Collector within five days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(Signature of the Collector.)

Date———

B.

DISTRESS WARRANT.

To *(here insert the name of the Officer charged with the execution of the warrant.)*

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the notice of demand ; This is to command you to distrain the goods and chattels of the said to the amount of the said sum of Rupees and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels ; and having paid and deducted out of the proceeds of the sale the said sum of Rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to me together with this warrant.

(Signature of the Collector.)

C.

FORM OF INVENTORY AND NOTICE.

State particulars of goods seized.

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; and that, unless you pay into the Office of the Collector of the horse and carriage-tax for the amount due, together with the costs of this distress within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Collector.)

Date———

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 701.

Fort William, Foreign Department,
The 7th February 1857.

The Governor General in Council is pleased to accept the resignation, by Captain G. W. Battye, of his appointment as Assistant to the Resident at Baroda. His services are accordingly placed at the disposal of the Government of Bombay.

No. 702.

The 11th February 1857.

The Right Hon'ble the Governor General in Council is pleased to appoint Mr. J. Christie to be Accountant, and Mr W. J. Raynor to be Civil Auditor of the Punjab.

No. 703.

Sub-Assistant Surgeon Syed Enayet Hossein, of the 2nd grade, is appointed to the Medical charge of the Charitable Dispensary and Hospital at Dehra Ghazee Khan, in the Punjab, *vice* Sub-Assistant Surgeon Umbika Churn Chatterjee, resigned.

No 704.

The 12th February 1857.

Brevet Major L. T. Forrest, of the 40th Regiment Native Infantry, is permitted to resign his appointment as Commandant of the Cavalry

branch of the United Malwa Contingent His services are accor lingly placed at the disposal of His Excellency the Commander in-Chief.

No. 705.

The Governor General in Council is pleased to grant to Lieutenant Colonel J. Travers, Commandant of the Bhopal Contingent, leave of absence for two months, from the 17th Ultimo, to proceed to Bombay, preparatory to applying for further leave to Europe on Medical certificate.

Lieutenant F. L. Magniac, Second in Command, is appointed to act temporarily as Commandant of the Contingent, until further orders.

No. 706.

The 13th February 1857.

The following temporary appointments have been sanctioned consequent on the departure of Captain Haughton from Moulmein to assume charge of the Tavoy District :—

Captain R. Chester, 7th Regiment M. N. I., received charge of the office of 1st Assistant Commissioner, Registrar of Deeds, and Post Master at Moulmein, from Lieutenant M. Carthew, on the 24th December 1856.

Lieutenant G. Haggard, of the Madras Artillery, assumed charge of the office of 2nd Assistant Commissioner at Moulmein, on the same date.

Lieutenant W. P. Harrison. 7th Regiment M. N. I., received charge of the Office of 1st Assistant Commissioner, Registrar of Deeds, and Post Master at Moulmein, from Captain R. Chester, permitted at his own request to rejoin his Regiment, on the 3rd January 1857.

No. 707.

The services of Assistant Surgeon H. W. Bellew are placed at the disposal of the Chief Commissioner of the Punjaub for special duty.

No. 708.

Assistant Surgeon M. G. Hill, Civil Surgeon of Seetapore, to have Medical charge of the Station of Mahomdee also.

No. 709.

Major H. Berdmore, Deputy Commissioner Martaban Province, made over charge of the Shoaygyeen Treasury, on the 8th Ultimo, to Lieutenant J. M. Williams, Executive Officer Sittang and Tounghoo Road, as a temporary measure, during his absence from the Station on special duty.

No. 710.

The Governor General in Council is pleased to grant to Sir R. Hamilton, Bart., Agent to the Governor General for Central India, leave of absence for six months, to visit England, on private affairs; as also preparatory leave for 15 days, to proceed to Bombay, for the purpose of embarking on the steamer which will leave that port on or about the 3rd April next.

No. 711.

The Governor General in Council is pleased to grant to Lieutenant A. O. Mayne, Commandant of Artillery United Malwa Contingent, leave of absence on private affairs, from the 1st Proximo to the 3rd April next, to visit Bombay, preparatory o embarking for Europe.

No. 712.

Mahomed Jan, Sub-Assistant Surgeon of Jhung, has obtained indulgence leave under Section VI. of the Uncovenanted Rules, for one month, from the 10th Instant, or from the date on which he may avail himself of it.

No. 713.

The Governor General in Council is pleased to make the following appointments in the Gwalior Contingent :—

2nd Cavalry.—Assistant Surgeon W. F. B. Dalzel, M. D., Officiating, to the Medical Charge, *vice* Dr. Lay, proceeded to Europe on furlough.

6th Infantry.—Assistant Surgeon P. O'Brien, Officiating, to the Medical charge, *vice* Dr. Dalzel.

4th Infantry.—Assistant Surgeon F. S. Sillifant, Officiating, to the Medical charge, *vice* Dr. O'Brien.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 12.

Fort William, Financial Department.

The following letter to the Secretary to the Government Saving's Bank, No. 669, dated 13th February 1857, is published for general information :—

No. 669.

To

THE SECRETARY TO THE GOVERNMENT SAVING'S BANK,
Fort William.

FINANCIAL DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of your letter, No. 1089, dated the 23rd Ultimo, submitting for approval the following modification of Rule VII. of the General Rules of the Government Saving's Bank, as also a new Rule to be added to those General Rules as Rule XXIV., *viz* :—

Rule VII. Any sum not less than one Rupee will be received in deposit, but no sum in excess of 500 Rupees will be received on any one day, from any Depositor, nor will any person be allowed to deposit more than 1500 Rupees in any one year, in the Government Saving's Bank.

Rule XXIV. The Secretary of the Government Saving's Bank has full discretion to close all floating accounts opened obviously in direct opposition to the object of the Institution, that is with a view, to make use of it as a Bank of convenience from which any number of withdrawals may be made.

2. In reply I am desired to inform you that the Right Hon'ble the Governor General in Council approves of the above modification of Rule VII. of the General Rules of the Government Saving's Bank and of the addition to those General Rules of the new Rule XXIV, on the understanding that the modified Rule shall not be brought into operation before the 1st May next.

I have the honor to be, &c.,

(Signed) C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

COUNCIL CHAMBER,
The 13th February 1857.

By order of the Right Hon'ble the Governor General in Council,

C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

No. 17.

Fort William, Public Works Department,
PUBLIC,
The 13th February 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to direct that the under-mentioned Officers of the regular Revenue and Police Establishments attached to the Canal Department in the North-Western Provinces shall be classified in the following manner, the rank assigned to each grade in relation to the classes established in the General List of Officers in the Department of Public Works, published in Notification No. 6 of the 20th January 1857, being honorary only and not affecting existing Rules or Regulations by which duties and emoluments of the several Officers in the Canal Department are determined.

Classified List of Officers of the Revenue and Police Establishments of the Irrigation Department, North Western Provinces.

No.	Name.	Appointment.
	Deputy Magistrate and Superintendent—to rank with Assistant Engineers 2nd Class.	
1	Ahmed Ali	Western Jumna Canal.
2	Jowahir Sing	Eastern Jumna Canal.
3	Madhoo Ram	Ganges Canal Cawnpore Terminal Division.
4	Munoo Lal	Ditto Lower Central Division.
5	Pitumbur Sing	Ditto Northern Division.
	Darogah 1st Class—to rank with Assistant Supervisors.	
1	Mahomed Byram	Western Jumna Canal.
2	Surajoodeen	Eastern Jumna Canal.
	Darogah 2nd Class—to rank with Overseers.	
1	Deedar Bux	Western Jumna Canal.
2	Mahomed Hussein	Western Jumna Canal.
	Zillahdar, 1st Class—to rank with Overseers.	
1	Buctower Sing	Western Jumna Canal, Kurnaul Zillah.
2	Bunsee Lal	Eastern Ditto 4th Zillah.
3	Mahomed Hoossein	Western Ditto Soneput Zillah
4	Nanuk Chund	Eastern Ditto 2nd Zillah.
5	Peer Khan	Western Ditto Rohtuk Zillah.
	Zillahdar 2nd Class—to rank with Assistant Overseers.	
1	Ali Buxsh	Eastern Jumna Canal, 1st Zillah.
2	Ameer Hussein	Western Ditto, Southern Zillah.
3	Buctower Singh	Ditto Ditto, Northern Zillah.
4	Fukeeroolah	Ditto Ditto, Bootana Zillah.
5	Gholam Abbas	Northern Division Ganges Canal, 1st Zillah.
6	Heera Lal	Western Jumna Canal, Jheend Zillah.
7	Jowala Soondur	Lower Central Division Ganges Canal, 2nd Zillah.
8	Koondun Lal	Ditto Ditto, 1st Zillah.
9	Mahomed Ali	Western Jumna Canal, Hansi Zillah.
10	Mahomed Sudeek	Upper Central Division, Ganges Canal, 1st Zillah.
11	Nooroolah	Western Jumna Canal, Western Zillah.
12	Nund Lal	Deyra Doon Canals.
13	Shazad Rai	Western Jumna Canal Paneeput Zillah.
14	Sooltan Khan	Eastern Ditto, 3rd Zillah.

N. B.—The names in the several Classes are arranged alphabetically

No. 18.

Memorandum.—The names of the following Officers should have appeared in the Classified List of the Establishments of the Department of Public Works, published in Notification No. 6, dated 20th January 1857 :—

Lieutenant J. St. J. Hovenden, of Engineers, as an Executive Engineer 4th Class, posted to the Peshawur District in the Punjab.

Lieutenant J. T. Tovey, Her Majesty's 24th Foot, as an Assistant Engineer 1st Class, posted to the Peshawur Division in the Punjab.

The names of Serjeant F. Anson, Overseer (No. 2) 12th or Umballah Division, and of Assistant Overseer (No. 130) Corporal J. Riley, 2nd Division Lahore and Peshawur Road, having been erroneously inserted in the above-mentioned List, are to be struck out.

No. 19.

The Right Hon'ble the Governor General in Council is pleased to confirm the authority given by the Hon'ble the Lieutenant-Governor North Western Provinces, to constitute the Agra District Irrigation Works a minor Executive Division, and to attach it to the Irrigation Department North Western Provinces.

Serjeant E. Battie, Executive Engineer 4th Class, Delhie and Goorgaon Irrigation and Drainage Works, is transferred to the charge of the above-named Division.

No. 20.

Mr. H. Leonard, C E., Executive Engineer Dacca Navigation, is appointed Executive Engineer of the new Port on the Mutla.

No. 21.

Lieutenant D. Limond, of Engineers, Officiating Executive Engineer Burdwan Division of Embankments, is permanently appointed to that post, *vice* Lieutenant R. de Bourbel, appointed to another situation.

No. 22.

The appointment of Lieutenant Lang to officiate as Executive Engineer of the Meean Meer Division, is to have effect from the 1st August 1856, the date on which he joined his post.

Mr. D. Kerwan, Probationary Assistant Engineer Inundation Canals, Punjab, is placed in charge of the Civil Buildings at Anarkullee and the Citadel of Lahore, as a temporary arrangement, with effect from the 7th September 1856, the date on which he joined.

W. E. BAKER, *Lieut.-Col.*,
Secy. to the Govt. of India.

No. 218.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 6th February 1857.—Mr. E. E. Woodcock, Collector of Patna, is vested with the powers described in Clause II. Section III. Regulation I. of 1824 and in the second and subsequent Sections of Act XLII. of 1850, for the purpose of obtaining land for the Railway.

The 7th February 1857.—Mr. R Thwaytes, to be Principal of the Berhampore College, but to continue to officiate, until further orders, as Principal of the Hooghly College.

The 10th February 1857.—Moulavy Jaffer Alli Kazee, to officiate as Law Officer of Chittagong.

The Reverend C. W. Cahusac, to be Chaplain of Bhaugulpore and Monghyr, but to officiate as Chaplain of St. Paul's Cathedral.

The Reverend H. H. Harington, to be Chaplain of Cuttack.

The 11th February 1857.—The Reverend T. A. Firminger, to be Chaplain of Howrah.

Mr. C. Limond, Joint Magistrate and Deputy Collector of the second Grade, to exercise the powers of a Joint Magistrate and Deputy Collector in the District of Dacca.

Mr. L. R. Tottenham, to be Assistant to the Magistrate, Collector and Salt Agent of Chittagong.

The 13th February 1857.—The Reverend C. E. Hadow, to be Chaplain of Chinsurah.

Leave of Absence.—The 9th February 1857.—Mr. T. Hastings, Civil Assistant Surgeon of Burdwan, from the 20th Instant, under the Rules applicable to Military Officers on Staff employ, preparatory to proceeding on furlough.

Lieutenant T. Lamb, Officiating Principal Assistant to the Commissioner of Assam at Durrung, for twenty-five days, on Medical certificate, from the 24th Ultimo, in accordance with the orders of the Financial Department of the 22nd February last.

Mr. J. Weston, Additional Principal Sudder Ameen of Tirhoot, for one week, under Section VII of the Uncovenanted Absentee Rules.

The 10th February 1857.—The Reverend F. W. Vaux, Chaplain of St. Paul's Cathedral, for one month, on Medical certificate, under the Rules applicable to Military Officers on Staff employ.

The 11th February 1857.—Captain G. Faithfull, Principal Assistant to the Commissioner of Arracan at Akyab, from the 18th November to the 10th of December last, under the Financial Notification of the 27th June 1850, to enable him to rejoin his appointment.

The 12th February 1857.—Mr. W. W. Swinden, Superintendent of Salt Chowkees Baugundee, for one week, under Section VI of the Uncovenanted Absentee Rules, retaining charge of his Office.

A. R. YOUNG,
Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 29 B. of 1857.

General Department,

Head Quarters, the 7th February 1857.

Appointment.—Mr. Saint George Tucker, to officiate as Marriage Registrar of the Mirzapore District, until further orders.

No. 26 B. of 1857.

Judicial Department.

Leave of Absence.—The usual preparatory leave, to reach the Port of Embarkation for the purpose of proceeding on furlough to Europe, is granted to Mr. Henry Lushington, Officiating Magistrate and Collector of Mirzapore, from the date on which he may avail himself of the leave.

Appointment.—Mr. Saint George Tucker, to officiate as Magistrate and Collector of Mirzapore, on the departure of Mr. Lushington, or till further orders.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 383 of 1857.

Financial Department,

Agra, the 7th February 1857.

Erratum.—In Orders No. 135, dated 16th Ultimo, appointing Mr. W. Greenway to assume charge of the duties of Assay Master and Bullion Depôt-keeper at Agra, *read* "Bullion Depôt and Assay Master."

No. 588 of 1857.

Judicial Department.

Appointment.—Hunoomanpershaud, Moonsiff of Secrole, Zillah Benares, to be Sudder Ameen at Nimar.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 12th February 1857.

No. 233 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders :—

No. 605, *dated* 10*th February* 1857.—The Governor General in Council is pleased to appoint Lieutenant E. B. Gurdon, of the 33rd Regiment Native Infantry, to be Adjutant of the 7th Regiment of Infantry, Gwalior Contingent, *vice* Lieutenant W. Rose, promoted.

No. 606, *dated* 10*th February* 1857.—The Governor General in Council is pleased to grant to Colonel Sir A. Bogle, Kt., Commissioner of the Tenasserim and Martaban Provinces, leave of absence, for two months, to visit the Presidency, preparatory to applying for further leave to Europe.

No 234 *of* 1857.—The following Notification, from the Financial Department, is published in General Orders :—

No. 11, *dated* 6*th February* 1857.—Read an endorsement from the Home Department, No. 122, dated the 23rd Ultimo, forwarding for consideration and orders a letter, No. 14, dated the 7th Idem, from the Chief Secretary to the Government of Fort St. George, having reference to the absence of Uncovenanted Servants drawing salaries of less than 100 Rupees a month.

RESOLUTION.—On the 25th July last, it was resolved by this Government, with a view to ensure a correct calculation of the periods of Service entitling Uncovenanted Servants to pension, that the Heads of Public Offices and Departments under the control of the several Governments should furnish, on the 1st May of each year, to the Civil Auditors and the Military Auditors General of the several Presidencies, an Annual Return showing the Leave of Absence granted

during the year, (preceding,) under the New Uncovenanted Civil Service Absentee Rules, to those Uncovenanted Servants whose leave might not have been notified in the *Gazette*.

Referring to this Resolution, the Government of Madras observes that, as the New Rules are restricted in their operation to Uncovenanted Servants in the receipt of salaries of Rupees 100 a month and upwards, the above orders would not appear to apply to Uncovenanted Servants whose salaries are below that amount, and that if such be the intention of this Government, there is nothing to prevent the entire periods of absence of Uncovenanted Servants of the latter class counting as service towards pension. Definite orders, however, are solicited on this point and also on a question raised by the Civil Auditor at Madras "whether it is not left optional with the Heads of Offices to grant leave of absence to persons whose salary is less than 100 Rupees a month, for a limited period, either on Sick certificate or private affairs, making such stoppages as they may think proper, the stoppages thus made being paid to the individuals performing the duties of the absentee, and no extra expense being incurred to the State."

On this solicitation of the Government of Madras, the Right Hon'ble the Governor General in Council is pleased to direct that, in granting leave of absence either on Medical certificate or on private affairs to Uncovenanted Servants whose salaries are less than 100 Rupees per month, the Heads of Offices shall be guided by the spirit of the Rules prescribed for those servants who are in the receipt of salaries of Rupees 100 a month and upwards; that all cases in which leave is so granted to Uncovenanted Servants whose salaries are less than 100 Rupees per month, shall be reported to the Civil Auditor and the Military Auditor General respectively in the manner prescribed in the Orders of the 25th July last; and that all *past* leave enjoyed by any such Uncovenanted Servant shall be counted as service under the orders of the Honorable the Court of Directors noted in the margin, although such leave may have exceeded the period allowed under the new Uncovenanted Civil Service Absentee Rules.

Para. 44 of Court's Despatch No. 38 of 1856, dated 13th May, published in the *Calcutta Gazette* of the 16th July last, page 1136.

ORDER.—Ordered, that a Copy of the foregoing Resolution be sent to the Home Department for communication to the Government of Fort Saint George.

Foreign, Military, Public Works.
Bengal.
Bombay.
N. W. Provinces.
Straits' Settlements.

Ordered also, that a transcript of the above Resolution be forwarded to the Departments and the Governments noted in the margin, and also to the Civil Auditor at Fort William.

Ordered further, that the above Resolution be published in the Calcutta Official *Gazette* for general information.

No. 235 *of* 1857.—The following Notification issued by the Hon'ble the Lieutenant-Governor of Bengal, is published in General Orders:—

No. 196, *dated 7th February* 1857.—*Appointment.*—Assistant Surgeon W. White, to officiate as Civil Assistant Surgeon of the 24-Pergunnahs, from the 23rd Ultimo.

No. 236 *of* 1857.—The following Order, issued by the Commissioner of the Province to the Nagpore Irregular Force, is confirmed:

Dated 24th January 1857.—Lieutenant P. H. Dun, of the 33rd Madras Native Infantry, placed at the disposal of the Commissioner of the Province of Nagpore by the Brigadier Commanding the Nagpore Force, having been directed to proceed to Chindwarrah, for the purpose of assuming the Command of the two Companies of the 2nd Infantry stationed there, *vice* Lieutenant Butler, 23rd Light Infantry, ordered to rejoin his own Regiment on its leaving Kamptee, reported his arrival on the 29th November 1856, and is to be considered as having assumed the Command of the Detachment on that date.

No. 237 *of* 1857.—The leave of absence, on Medical certificate, under the new Regulations, granted by the Chief Commissioner, Punjaub, to Captain G. W. G. Green, Commanding the 2nd Regiment Punjaub Infantry, from the 1st August to the 22nd October 1856, to visit Murree, is confirmed.

No. 238 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Captain George Hare, of the 20th Regiment Madras Native Infantry, Commandant 5th Regiment of Infantry Hyderabad Contingent	For six months, under the new Regulations, embarking at Bombay.

No. 239 *of* 1857.—The under-mentioned Officers reported their departure on the dates specified opposite to their respective names:—

Lieutenant H. C. Smith, of the 9th Regiment Native Infantry, on leave for 2 years, Government General Order No. 79, dated 13th January 1857,	*Beemah*, 30th January 1857.
Brevet Lieut.-Colonel J. Travers, of the 2nd Regiment Native Infantry, (Grenadiers) Commandant Bhopal Contingent, on leave for 15 months, Government General Order No. 229, dated 10th February 1857, ...	*Ganges*, 3rd February 1857, from Bombay.
Captain E. C. Warner, of the 2nd Regiment Light Cavalry, on leave for 3 years, Government General Order No. 137, dated 22nd January 1857,...	
Major-General A. Spens, Colonel, of the 14th Native Infantry, on furlough for 2 years, Government General Order No. 104, dated 19th January 1857, ...	*Agamemnon*, 8th February 1857.
Surgeon W. Martin, Medical Department, Superintendent Eye Infirmary, on leave for 18 months, Government General Order No. 116, dated 21st January 1857, ...	
Lieutenant R. W. Clifford, of the 10th Regiment Light Cavalry, on leave for 3 years, Government General Order No. 107, dated 19th January 1857, ...	

Brevet Colonel W. R. Dunmore, of the 31st Regiment Native Infantry, on leave for 3 years, Government General Order No. 1611, dated 30th December 1856, ...	*Blenheim*, 9th February 1857.
Captain H. C. Adlam, of the 42nd Light Infantry, on furlough for 3 years, Government General Order No. 1610, dated 30th December 1856, ...	
Lieutenant F. A. Fenton, 7th Madras Light Cavalry, Deputy Commissioner Saugor and Nerbudda Territories, on leave for 15 months, Government General Order No. 111, dated 20th January 1857, ...	
Captain H. B. Impey, of the 70th Regiment Native Infantry, on furlough for 3 years, Government General Order No. 26, dated 6th January 1857, ...	*Bengal*, 10th February 1857.
Lieutenant J. S. Tighe, of the 8th Madras Light Cavalry, Assistant Commissioner in the Punjaub, on leave for 15 months, Government General Order No. 198, dated 5th February 1857, ...	
Assistant Surgeon T. Atchison, Civil, Goruckpore, on leave for 18 months, Government General Order No. 163, dated 30th January 1857, ...	
Assistant Surgeon P. G. Lay, attached to the 2nd Cavalry Gwalior Contingent, on furlough for 2 years, Government General Order No. 95, dated 16th January 1857, ...	

No. 240 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on Furlough, on private affairs :—

Major General Sir John Cheape, K. C. B., of the Corps of Engineers, ...	For two years, under the new Regulations.

No. 241 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Fort William.
Captain Colin Charles Robertson, of the 11th Regiment Native Infantry, Personal Assistant to the Commissioner of Nagpore, on leave for fifteen months, from the 17th November 1855,	3rd Feb. 1857.

Fort William, 13*th February* 1857.

No. 242 *of* 1857.—The Regimental Order issued to the 2nd Regiment Oude Irregular Cavalry, dated 9th January 1857, directing Lieutenant J. S. Shepherd to officiate as Adjutant in addition to his other duties, during the absence of Lieutenant and Adjutant G. D. Barbor, proceeded on duty to Meerut, is confirmed.

No. 243 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on furlough, on private affairs :—

Captain Edward John Rickards, of the 6th Regiment Native Infantry, Second in Command of the Mhairwarrah Battalion, ...	For six months, under the new Regulations, embarking at Bombay.

No. 244 *of* 1857.—Mr. Robert Loveday Inglis, whose appointment as a Cadet of Infantry on this Establishment was announced in Government General Order No. 133 of the 22nd January 1857, having satisfied Government on the points of qualification prescribed by existing Regulations, is admitted to the service as a Cadet of Infantry on this Establishment from the 10th Instant, and promoted to the rank of Ensign, leaving the date of his Commission for future adjustment.

No. 245 *of* 1857.—The under-mentioned Officer is, at his own request, transferred to the Corps specified opposite to his name :—

Ensign J. B. Smith, from the 4th to the 11th Regiment Native Infantry, ordered to Meerut, as 3rd Ensign.

No. 246 *of* 1857.—The Right Honorable the Governor General of India in Council is pleased to make the following promotion :—

51*st Regiment Native Infantry.*

Ensign William Gordon Chalmers, to be Lieutenant, from the 27th January 1857, *vice* Lieutenant Thomas More Hand, deceased.

No. 247 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant Colonel John Lewis Taylor, of the 26th Regiment Light Infantry, ...	For three years, under the old Regulations.

No. 248 *of* 1857.—The Order issued by the Officer Commanding at Abbottabad, Hazara, dated 3rd December 1856, directing Assistant Surgeon H. B. Buckle, of the 4th Regiment Sikh Infantry, on his arrival at the station, to assume Medical charge of the Hazara Mountain Train, and of the Civil Establishments which were vacated on the 25th November last by the departure of Sub-Assistant Surgeon Renton, is confirmed.

No. 249 *of* 1857.—Cornet J. C. E. Macnabb is, at his own request, transferred from the 8th to the 3rd Regiment Light Cavalry, and promoted to Lieutenant, with rank from the 27th January 1857, *vice* Lieutenant C. A. Sanford, promoted.

R. J. H. BIRCH, *Colonel*,
Secy. to the Govt. of India,
in the Mily. Dept.

Advertisement of the Soonderbun Commissioner's Office.

NOTICE is hereby given, that the under-mentioned Lots, situated within the limits of the Backergunge and Jessore portions of the Soonderbuns, will be sold at the Station of Burrisaul, by the Soonderbun Commissioner, on Friday, the 20th day of February 1857, corresponding with the 10th Falgoon 1263.

2. The highest bidder will be entitled to the Lots, on depositing, immediately after the Sale, the full amount of his Purchase-money, on condition that the Sale is sanctioned by the higher Authorities; otherwise the money will be refunded to the party without interest. On confirmation of the Sale, the Pottah will be drawn up in the name of the Purchaser, under orders of the Government of the 24th September 1853, and will be made over to him after registry at the Office of the Board of Revenue, Lower Provinces; and the Purchaser will become the grantee of the lands under the conditions prescribed in the Pottah, save and except such lands as may be required by Government for the manufacture of Salt.

3. It is further notified, that intending Purchasers, who are desirous to inspect the Map of the Lots, or to obtain any information connected with them, and their present condition, can learn the same by attending either personally, or through their Agents, at the Office of the Commissioner of the Soonderbunds at Burrisaul.

No. of Lot.	Estimated Quantity of Land in Beegahs.	Remarks.
Jessore portion of the Soonderbuns.		
241	5414	These Lands are situated to the South of Tateeboneah, on the Kurmah River.
242	25894	Ditto ditto ditto.
243	4840	On the Bholah River.
244	13733	On the Chechan River.
245	11797	On the Sêllah River.
246	13701	Near the Bholah River.
247	10666	On the Pussur River.
248	11909	To the West of Lot 247.
249	7441	To the West of Lot 248.
250	12183	To the South of Lots 248 and 249.
251	16728	To the West of Sêllah River.
Backergunge portion of the Soonderbuns.		
Nos. 4 and 5 of Khauleah, Burrisaul	69772	The boundaries of these two Lots have been readjusted, so as to give both a River facing on the Bulissur River. A Map showing their respective boundaries may be seen at the Commissioner's Office. The two Lots will be sold separately, their respective arrears will be notified on the day of Sale. The cultivated portions of these Lots to be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 6 of Khauleah, Burrisaul ...	36995	The cultivated portions of these Lots will be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 7 of Khauleah, Burrisaul ...	47150	On the Bulissur River.
Panchakaraleah, on the Ilah River ...	6760	The cultivated portions of this Lot will be included in the Grant after assessment, under Rule 4 of the Government Orders of the 24th September 1853.
Chando Khallee East of above Lot .	8120	Ditto.
Rochoopatra, West of above Lot ..	10820	On the Neelgunge River.

J. H. Reily,
Commissioner of Soonderbuns.

Soonderbun Commissioner's Office;
Burrisaul,
The 26th January 1857.

শুন্দরবনের কমিশ্যনরের দপ্তরখানার ইস্তেহার।

ইহার দ্বারায় সংবাদ দেওয়া যাইতেছে যে মহামান্য শদর বোর্ডের আদেশমতে জেলা জসর ও বাকরগঞ্জের অধিন শুন্দরবন সংক্রান্ত নিম্নের লিখিত লাটহায়ের পাট্টা জেলা বাকরগঞ্জের বরিসাল মোকামে শুন্দরবন কমিশ্যনরের বৈঠকে ইংরাজী সন ১৮৫৭ সালের ২০ ফিব্রুআরি মোতাবকে সন ১২৬৩ সালের ১০ ফালগুণ শুক্রবার বেলা দুই প্রহরের সময় নীলাম হইবেক যে অতি উচ্চ মূল্যে ডাকে তিনি লাট পাইবেন তৎক্ষণাৎ খরিদের সমুদয় মূল্য কমিশ্যনরকে দিতে হইবেক পরে গবর্ণমেণ্টের সন ১৮৫৩ সালের ২৪ সেপ্তম্বর দিবসীয় ঝলাঘজাই পাট্টা তাহার নামে প্রস্তুত হইয়া শদর বোর্ড রেবিনিউর মঞ্জুরিমতে তাহাকে দেওয়া যাইবেক এবং শরকারের লবণ প্রস্তুত জন্য ঐ লাটহায়ের মধ্যের কিছু জমি লওয়ার প্রয়োজন হইলে তাহা ছাড়িয়া দিবার নিয়ম পাট্টায় লেখা যাইবেক পরন্তু খরিদার মজকর ঐ পাট্টার লিখিত নিয়মাঘসারে জমিতে দখলকার হইয় রাজস্য আদায় করিবেক এবং আরো জানান যাইতেছে যে খরিদাকাঙ্খিত ব্যক্তিগণ কেহ ঐ জমির নক্শা দেখিতে চাহিলে স্বয়ং কিম্বা মোক্তারের দ্বারায় কমিশ্যনরের উক্ত মোকামের বৈঠকে যাইয়া দেখিতে পারেন এবং নীলামের অপর বেওরা নীলামের সময় প্রকাশ করা যাইবেক আর যদিস্যাৎ এই নীলাম বোর্ড রেবিনিউর হজুরে মঞ্জুর না হয় তবে খরিদার পোনের টাকা বিনা শুদে ফেরত পাইবেক ইতি সন ১৮৫৭ সাল তারিখ ২৪ জাঘআরি মোং বাঙ্গলা ১২৬৩ সাল ১২ মাঘ।

লাটের নম্বর ও নাম	আন্দাজি জঙ্গল জমী	কৈফিয়ৎ
জেলা জশরের মোতালক		
২৪১ নং	৫৪১৪/০	টাটী বুনিয়ার দক্ষিণ খড়মা নদীর কেনারা
২৪২ নং	২৫৮৯৪/০	ঐ ঐ
২৪৩ নং	৪৮৪০/০	ভোলা নদীর নিকট
২৪৪ নং	১০৭৩৩/০	চেচান নদীর ধারে
২৪৫ নং	১১৭২৭/০	সেলা নদীর ধারে
২৪৬ নং	১৩৭০১/০	ভোলা নদীর নিকট
২৪৭ নং	১০৬৬৬/০	পশর নদীর নিকট
২৪৮ নং	১১৯০৯/০	উক্ত লাটের পশ্চিমে
২৪৯ নং	৭৪৪১/০	ঐ লাটের পশ্চিমে
২৫০ নং	১২১৮৩/০	২৪৮ নং ও ২৪৯ নং লাটের দক্ষিণ
২৫১ নং	১৬৭২৮/০	সেলা নদীর পশ্চিমে
জেলা বাকরগঞ্জের মোতালক		
চক খাউনিয়া বরিসালের ৪।৫ নং	৬৯৭৭২/০	এই দুই লাটের সাবেক সীমানা বদল করিয়া নূতন সীমানা দেওয়া এইরূপে গীয়াছে যে দুই লাটের ভূমীই বলেশ্বর নদীর কেনারায় পতন হইয়াছে ঐ দুই লাটের পৃথক২ ভূমীর ও সীমানার নিরাকরণ নীলামের সময় সকল খরিদারানকে জ্ঞাত করাণ যাইবেক এবং ইহার মধ্যে যে জমী হাসীল আছে তাহা ন ১৮৫৩ সালের ২৪ সেপ্তম্বর তারিখের ঝলের ৪ বিধিমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামিল করা যাইবেক।
ঐ ৬ নং	৩৬৯৯৫/০	বলেশ্বর নদীর ধারে ইহার হাসীল জমী উপরের লিখিত ঝলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সা মল করা যাইবেক।
ঐ ৭ নং	৪৭১৫০/০	বলেশ্বর নদীর ধারে।
পচা কোড়ালিয়া	৬৭৬০/০	আয়েনা নদীর ধার ইহার হাসীল ভূমী উপরের লিখিত ঝলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামীল করা যাইবেক।
চান্দখালি	৮১২০/০	ঐ চকের পূর্ব্ব দিগ ঐ কৈফিয়ৎ।
কচু পাতড়া	১০৮২০/০	ঐ লাটের পূর্ব্ব নীলগঞ্জ নদীর ধারে ঐ কৈফিয়ৎ।

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One Second (1s.) before Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.*,
Town Major.

FORT WILLIAM,
The 11th February 1857.

Notice.

THE General Treasury will be closed on Monday, the 23rd instant, on account of the Hindoo Holiday, Sheebo Rattree.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 10th February 1857.

Notice.

SEALED TENDERS for watering the Roads in the Garrison of Fort William, for 3¼ months, that is, from the 15th February to 31st May 1857 (more or less), will be received in the Office of the Garrison Engineer until the 10th instant, Tuesday.

All further information may be obtained by applying personally to the Garrison Engineer, between the hours of 11 and 4 daily.

CHARLES J. HODGSON, *Captain*,
Garrison Engineer.

FORT WILLIAM,
The 2nd February 1857.

For Dacca and Assam.

THE Steamer *Thames*, with the Flat *Goomtee* in tow, will be despatched about the 20th instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

(Signed) J. WOODLEY,
Clerk of the Govt. Boat Office.

The 7th February 1857.

Calcutta University.

AFFILIATION.

All applications for Affiliation must be accompanied, viz :—

1. A statement showing the present instructive Staff and the course of Study in all branches during the last two years at least, provided the Institution have existed for such a period.

2. A declaration from the Managers, Principal or Head Master that the Institution has the means of educating up to the Standard of the B. A. degree; and such declaration, before being sent to the Registrar for the ratification of the Senate, must be countersigned by at least two members of the Senate.

By order of the Vice-Chancellor,
W. GRAPEL, M. A.,
Registrar.

Calcutta University.
The 12th February 1857.

Court for the relief of Insolvent Debtors at Calcutta.

In the matter of Gungagovind Sein, an Insolvent. — On Saturday, the 6th day of December last, it was ordered that the petition of the said Insolvent, seeking the benefit of the Act XI., Vic. cap. XXI., should be dismissed.

Insolvent in person.

In the matter of John Walter O'Sullivan, of No. 68, Cossitollah, in Calcutta, late a Reviser and Assistant Sub-Editor, employed in the *Englishman* Office, now in no regular employment, an Insolvent. — On Saturday, the 7th day of February Instant, it was ordered, that the hearing in this matter should stand adjourned until Saturday, the th day of March next, with liberty to the said Insolvent to amend his Schedule filed in this matter on the 16th day of December last, and that the Order made in this matter for the *ad interim* protection of the said Insolvent from arrest, should be enlarged to the said 7th day of March next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of George Shallow, formerly of Elysium Row, in Calcutta, and at present of European Asylum Lane, in Calcutta, aforesaid, for some time an Assistant in the firm of R. C Lepage and Co., Tank-Square, in Calcutta, Book-sellers and Stationers, thereafter, a Member of the said firm of R. C. Lepage and Co., and for some time and late a partner of the firm of W. Newman and Co., of Tank-Square, Booksellers and Stationers, an Insolvent. — On Saturday, the 7th day of February Instant, it was ordered, that the hearing in this matter should stand adjourned until the said Insolvent shall have furnished to the Official Assignee a full and sufficient account of the dealings and transactions between the Calcutta House and London House, and that the Insolvent do, after furnishing the said accounts, give notice thereof to the Chief Clerk, and personally attend before this Court, the next Court day, after the giving of such notice.

Robertson, *Attorney.*

In the matter of Francis Bayley and others, Insolvents. — On Saturday, the 7th day of February Instant, an account of the Receipts and Disbursements of the Official Assignee, from the 1st day of February 1855 to the 31st day of January 1857, was filed in the Office of the Chief Clerk, and it was ordered that Saturday, the 7th day of March next, should be appointed for the further hearing in this matter for the purpose of making a Dividend.

☞ "*Any Creditor or other person interested* "*who may intend to establish or oppose any* "*claim upon the Estate of the said Insolvents, may* "*attend and be heard, having given notice to the* "*Chief Clerk three clear days before the day of* "*hearing.*"

J. Cochrane, *Official Assignee.*

In the matter of Henry Campfield Derosaire, of Gooreamah Thannah, in Calcutta, a Section Writer in the Home Department, an Insolvent.

On Saturday, the 7th day of February Instant, it was ordered, that the hearing of this matter should stand adjourned until Saturday, the 4th day of April next, with liberty to the said Insolvent to amend his Schedule filed in this matter, on the 4th day of December last generally, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of Sarah Templeton, an Insolvent.

In the matter of George Walter Blackmore Dorrett, an Insolvent.

On Saturday, the 7th day of February Instant, it was ordered, that the hearing of these several matters should stand adjourned until Saturday, the 7th day of March next, and that the said Insolvents should then respectively attend to be examined by the said Court.

H. H. Poe, *Attorney.*

In the matter of Edgar Horatio Radcliffe, an Insolvent.

In the matter of John Avietmall, an Insolvent.

On Saturday, the 7th day of February Instant, it was ordered, that the several petitions of the said Insolvents, seeking the benefit of the Act XI., Vic. Cap. XXI., should be dismissed.

Robertson, *Attorney.*

T Owen, *Attorney.*

In the matter of Radachurn Mullick, of Ghootea Bazar, in the District of Hooghly, and also late of Old China Bazar, in Calcutta, dealer in Gold and Silver, and Money-changer, but at present of Amratollah Lane, in Calcutta, out of business, an Insolvent.

On Monday, the 9th day of February Instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Paul and Carruthers, *Attorneys.*

In the matter of Radachurn Mullick, of Ghootea Bazar, in the District of Hooghly, and also late of Old China Bazar, in Calcutta, dealer in Gold and Silver, and Money-changer, but at present of Amratollah Lane, in Calcutta, out of business, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI., Vic Cap. XXI., was filed in the Office of the Chief Clerk, on the 9th day of February Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Paul and Carruthers, *Attorneys.*

In the matter of Conny-loll Sadoo, of Siboo Takoor's Lane, in Burra Bazar, in Calcutta, an Assistant in the India Bullock Train Dawk Company, an Insolvent.

On Tuesday, the 10th day of February Instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Gillanders, *Attorney*

In the matter of Conny-loll Sadoo, of Siboo Takoor's Lane, in Burra Bazar, in Calcutta, an Assistant in the India Bullock Train Dawk Company, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI., Vic. Cap. XXI., was filed in the Office of the Chief Clerk, on the 10th day of February Instant, and by an order of the same date the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Gillanders, *Attorney.*

In the matter of John Gore, of Collingah, in Calcutta, a Clerk in the service of the East India Railway Company, an Insolvent.

On Tuesday, the 10th day of February Instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court

Sherrington, *Attorney.*

In the matter of John Gore, of Collingah, in Calcutta, a Clerk in the service of the East India Railway Company, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI., Vic Cap. XXI., was filed in the Office of the Chief Clerk, on the 10th day of February Instant, and by an order of the same date the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Sherrington, *Attorney.*

In the matter of Nowrajee Nusserwanjee, of Doomtollah, in Calcutta, formerly Manager of the business of Messrs. D. F. Cama and Co., carried on at Shanghai, as Merchants and Agents, afterwards Manager of the same parties' house of business at Calcutta, and lately carrying on business in copartnership with Nowrajee Pestonjee, Cowerjee Bomunjee, and Dodabhoy Turdenjee as Merchants and Agents, under the style of N. Nusserwanjee and Co., at the same place, a Trader, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Friday, the 20th day of February Instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, "desirous of opposing such application, must "appear before the said Court at the time and "place aforesaid.*"

Robertson, *Attorney.*

Chief Clerk's Office, 13th February 1857.

In the Court for Relief of Insolvent Debtors at Singapore.

In the matter of *Shaik Obed bin Abdulrahman Doraihim*, of Singapore, Trader, formerly carrying on business as a Trader at Palembaug, in the Island of Java, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI., Victoria cap. XXI., was filed in the Office of the Chief Clerk on the 22nd day of January instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of *Shaik Obed bin Abdulrahman Doraihim*, of Singapore, Trader, formerly carrying on business as a Trader at Palembaug, in the Island of Java, an Insolvent.

On Thursday, the 22nd day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday, the 15th day of April next and that the said Insolvent should then attend to be examined by the said Court.

In the matter of *Ahmed Sumbaug*, a prisoner aor debt in H. M's. Gaol ct Singapore, formerly aarrying on business as o Tradet, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI., Victoria cap. XXI., was filed in the Office of the Chief Clerk on the 26th day of January instant, and by an frder of same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of *Ahmed Sumbaug*, a prisoner for debt in H. M's. Gaol at Singapore, for merly carrying on business as a Trader, an Insolvent.

On Monday the 26th day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday, the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

In the matter of *Arnashellum*, late an Owner of Registered Palanquin Carriages, in Singapore, an Insolvent.

On Wednesday, the 28th day of January instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

GEO. W. LECERF,

Chief Clerk.

CHIEF CLERK'S OFFICE,
Singapore, 31st *January* 1857.

India General Steam Navigation Company.

NOTICE is hereby given, that the Half-Yearly General Meeting of Shareholders of the above Company, will be held at the Company's Office, on Monday, the 9th of March next, at 3 P. M., for passing the Accounts and declaring a Dividend.

By order of the Directors,

J. F. STACE,

Secretary.

CALCUTTA,
The 7th February 1857.

Notice.

HAVING been appointed Curator to the Estate of the late Mr. Charles Glas, a Pleader in the Sudder Dewanny Adawlut, by an order of the Judge of the 24-Pergunnahs, dated 10th Instant, under Act XIX. of 1841, Parties indebted are requested to make payment, and Claimants to send in their claims without delay.

A. J. STEWARD,

Curator.

CALCUTTA,
12*th February* 1857.

Notice.

THE Acts and Published Papers of the Legislative Council are sold at the Military Orphan Press.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND CO., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.

THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1*st February* 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND CO., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1*st February* 1857.

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,

No. 2, Council House Street, } *Secretary.*
Calcutta, 30th January 1855. }

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ..	Without charge

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION ; }
Calcutta, 29th January 1855. }

The London and Eastern Banking Corporation.

INCORPORATED BY ROYAL CHARTER.

Exchange on London.

		s.	d.	
At 6 months' sight	...	2	1⅞	per Re.
At 3 „ „	...	2	1⅞	„
At 2 „ „	...	2	1¼	„
At 1 „ „	...	2	1⅛	„
At sight	...	2	1	„
On Scotland, at 1 month's sight		2	1	„
On ditto, at sight	...	2	0⅞	„

The Corporation receive for safe custody Government or other Securities, realize and remit Dividends, Interests, and Proceeds of Sale, and grant Drafts on Bombay, Simla, Agra, Delhi, and Lucknow.

Interest Deposit Rules.

Interest is allowed on sums deposited with the Corporation as follows; *viz.* :—

For 12 months certain, and subject to two months' notice of withdrawal (open to Shareholders only)...	7 *per Cent. per Anm*
For 6 months certain, and 45 days' notice of withdrawal ...	6 *per Cent. per Anm.*
For 3 months certain, and 30 days' notice of withdrawal ...	5 *per Cent. per Anm.*
On Home Remittance Deposits payable on demand by Bills on London ...	5 *per Cent. per Anm.*
On Floating Deposits withdrawable on demand ...	2 *per Cent. per Anm.*

Interest is credited to Deposit Accounts half-yearly.

No Interest is allowed on Deposits under 500 Rupees.

No Cheques cashed nor money received under 50 Rupees.

Commission.

On Purchase or Sale of Government or other Securities ...	*One-Quarter per Cent.*
On Collection of Foreign Bills, &c. ...	*One-Half per Cent.*
On realizing Interest or Dividends ...	*One-Quarter per Cent.*

If the Funds realized on account of Constituents are remitted in Bills of the Corporation, no Commission will be charged.

Hours of business from 10 *to* 3 *o'clock, except on Saturdays, when the Bank closes at* 1 *p. m.*

J. MACKELLAR,
Manager.

LONDON & EASTERN BANKING CORPORATION, 1*st January* 1857. }

Bank of Bengal.

5TH FEBRUARY 1857.

A Meeting of the Proprietors is requested at the Bank on Monday, the 16th instant, at 10 A. M., for the election of a Director in the room of W. McAdam Stuart, Esq., resigned.

The Poll will close at 3 P. M.

Published by order of the Directors,

J. B. PLUMB,
Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the Week ending 11th February 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital	1,07,00,000	0	0	Government Securities	17,23,874	13	10
Reserve Fund	4,02,166	15	7	Dues from Government	6,760	0	2
Current Accounts	66,29,128	9	8	Mint Certificates, Undue	16,90,478	5	1
Cash Credits Undrawn	14,14,193	0	6	Cash	70,97,726	12	5
Other Claims	34,735	12	3	Loans on Deposit of Securities	1,70,74,089	8	6
Bank Notes and Post Bills	1,54,52,076	14	7	Accounts of Credit on ditto	35,75,459	15	9
				Government Bills Discounted	15,15,629	2	6
				Mercantile Bills ditto	17,68,564	13	2
				Dead Stock	1,79,717	13	2
Co.'s Rs.	3,46,32,301	4	7	Co.'s Rs.	3,46,32,301	4	7

Published by order of the Directors,

J. B. PLUMB,
Secretary and Treasurer.

(Signed) H. I LEE,
for Accountant.

LOST.—The Government Promissory Note, No. 106 of the 4 per cent. Loan of 1854-55, dated the 30th of June 1854, for Company's Rupees (1,000) one thousand, and bearing my blank endorsement, originally standing in the names of Hurrybole Chunder, Hurranomo Chunder, and Bolychand Chunder and last endorsed to Bolychand Chunder the proprietor, or standing in the name of Bolychand Chunder the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and of Interest there-upon has been stopped at the Loan Office; and application is about to be made to Government for the issue of a Duplicate Note in favor of the proprietor.

LOST.—First-halves of Bank of Bengal Notes, Nos. 35469, 35302, 35282, 34535, and 31757, for Co.'s Rs. 100 each. The payment stopped at the Bank.

LOST OR STOLEN.—The First half of Bank of Bengal Note, No. 27732, for Co.'s Rs. 100, and the Second-half of Note. No. 14622, for Co.'s Rs. 100, the payment of which has been stopped at the Bank.

LOST.—The second-halves of Bank of Bengal Notes, No. 23517, for Co.'s Rs. 25, and 22862, for Co.'s Rs. 10, payment of which has been stopped at the Bank.

LOST.—Second-half of a Bank of Bengal Note, Pd. No. 47086, for Co.'s Rs. 25, the payment of which has been stopped at the Bank.

LOST.—The two halves of Bank of Bengal Notes Nos. 05958 and 11330 for 100 Rupees each, payment of which has been stopped at the Bank.

THIS-DAY (26th JANUARY)
IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c
FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume,
Strongly bound in Cloth Covers.

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TOGETHER WITH

An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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SAMUEL SMITH & CO.

Jan. 26, 1857.

No. 1898.

OVERLAND MAIL.

THE Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, Aden, Penang, Singapore, and Hong-Kong, per P. and O. Co.'s Steamer *Hindostan*, will be closed at this Office on Saturday, the 21st Instant.

1*st.*—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories directed *viâ* Great Britain and Marseilles, and as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd.*—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd.*—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles or *viâ* Trieste, and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th.*—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th.*—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th.*—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th.*—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th.*—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th.*—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th.*—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th.*—Only one paper can be sent in one cover.

C. K. DOVE
Deputy Post-master General.

FORT WILLIAM,
General Post Office.
The 11th February 1857

No. 1842.

NOTICE is hereby given, that the Mails for Chittagong, Arracan, Rangoon, and Moulmein, for transmission per H. C. Steamer *Fire Queen*, will be closed at this Office on Saturday, the 7th instant.

C. K. DOVE,
Deputy Post-master General.

FORT WILLIAM;
General Post Office,
The 27th January 1857.

No. 1809.

NOTICE is hereby given, that the Mails for Madras, Ceylon, Mauritius, Cape of Good Hope, St. Helena, Ascension, and London, for transmission per Mail Contract Steamer *Robert Lowe*, will be closed at this Office, on Saturday, the 14th proximo.

Pre-payment on Letters to Madras, Ceylon, and London, is optional; but Letters for Mauritius, Cape of Good Hope, St. Helena, and Ascension, must be pre-paid at the following rates:

½ Ounce	...	0	4	0
1 „	...	0	8	0
2 „	...	1	0	0

So on, adding 8 annas for every Ounce or a fraction of an Ounce.

Newspapers and Price Currents must be pre-paid 9 Pie each, and when posted at a Mofussil Post Office, the Inland Indian Postage must be pre-paid in addition to Steam Postage.

Newspapers and Price Currents for Great Britain, when posted at Calcutta, cannot be pre-paid.

Only one paper can be sent under one cover.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA;
General Post Office,
The 29th January 1857.

Post Office Notifications.

No. 1836.

Notification.

Table showing the New Rates of Steam and Inland Postage on Letters, &c., forwarded by H. M.'s Mail Contract Steamers.

Names of Places.	Route.	Letter.	Newspapers or Price Current.	Rates of Postage on Letters.
Great Britain ...	Viâ Marseilles ...	... ...	Free ...	Not exceeding ¼ oz. 0 6 0 Exceeding ¼ oz. & not exceeding ½ oz. 0 8 0 „ ½ oz. „ ¾ oz. 0 14 0 „ ¾ oz. „ 1 oz. 1 0 0 And so on, eight annas being added for every additional ounce or fraction of an ounce, and two annas French Postage for every additional quarter of an ounce, which includes Inland postage.
United States ...				
West Indies not a British Colony or to any Foreign Territories ...	Viâ Marseilles and the United Kingdom ...	Pre-payment optional	3 Pence 2 As.	
West Indies or to any British Colonies ...				
Canada or British North America ...	Viâ do. and the United States	... ...	4 Pence 3 As.	
Great Britain ...	Viâ Southampton	Ditto ...	Free ...	Not exceeding ½ oz. 0 4 0 Exceeding ½ oz. & not exceeding 1 oz. 0 8 0 And so on, adding 8 annas for every ounce or fraction of an ounce, which includes Inland postage.
Ditto ...	Viâ Trieste, ...	Must be prepaid ...	One Penny (9 pie) steam postage must be pre-paid*	
United States	Viâ Southampton	Cannot be prepaid ...	1 Penny 9 Pie.*	
West Indies or Foreign Territories ...				
Canada or British North America ...	Viâ do. and United States	Ditto ...	2 Pence 1 As. 6 P.	
Malta	Viâ Galle ...	Must be prepaid ...	1 Penny 9 Pie*	Ditto.
Gibraltar ...				
Ionian Islands ...				
Australian Colonies				
Mauritius or any British Colony, the route to which does not lie through Great Britain ...				
China (except Hong-Kong) ...				
Macao ...				
Canton ...				
Manilla ...				
Batavia ...				
Java ...				
Bourbon or any Foreign Ports, the route to which does not pass through Egypt				
Madras ...	Direct ...	Optional ...	Ditto* ...	Ditto.
Ceylon ...				
Bombay ...				
Aden ...				
Penang ...	Viâ Galle ...	Ditto ...	Ditto* ...	Ditto.
Singapore ...				
Malacca ...				
Hong-Kong ...				

Old Rates of Postage are applicable to the following Places and at the following Rates.

Names of Places.	Route.	Letters.	Newspapers or Price Current.	Rate of Postage on Letters.
France ...	Viâ Egypt, ...	Steam postage cannot be pre-paid	Steam postage cannot be pre-paid†	When posted at a Mofussil PostOffice, or for the After-packet, the Inland postage must be pre-paid.
Trieste ... Austria ... Alexandria ... Cairo ... Suez ... Places in Egypt or to any Foreign Port viâ Egypt ...	... ...	Must be pre-paid ...	1 Penny 9 pie*	Not exceeding ½ oz. 0 8 0 Exceeding ½ oz. & not exceeding 1 oz. 1 0 0 Exceeding 1 oz. & not exceeding 2 oz. 2 0 0 And so on, adding one Rupee for every ounce or fraction of an ounce, besides Inland postage when posted at Mofussil Offices or posted for an After-packet.
Foreign Europe ...	Viâ Marseilles or Trieste	Ditto ...	Ditto* ...	

* To be paid in Cash when Stamp cannot be used ; the postage is compulsory; and more than one Paper cannot be sent under cover.

† Applicable to Price Current, Periodicals, Works stitched or bound, Books, Pamphlets, Sheets of Music, Catalogues, Prospectus, Announcements, and Notices of various kinds.

N. B.—Besides the Steam Postage entered in the Column for Newspapers and Price Current, an Inland Postage will be necessary when such papers are posted at Mofussil Post Offices, or when posted for an After-packet.

CALCUTTA ;
General Post Office,
The 2nd February 1857.

C. K. DOVE.
Deputy Post-master General of Bengal.

POSTAL NOTICE.

The Public are informed that arrangements have been made for a new line of Contract Steamers for the conveyance of the Mails, once a month, between England and Australia, *vid* Suez and Point de Galle.

2. A Time Table cannot now be published, as the dates of sailing of the Packets have not yet been definitely settled ; but it is expected that the first Packet from Australia will be due at Suez on the 3rd March, and that the first Packet to Australia will depart from Suez on the 11th Idem.

3. Letters posted in India for conveyance by the Contract Packets must be prepaid at the following rates, which include Inland Postage :—

	Rs.	As.	P.
Not exceeding ¼ an Ounce	0	4	0
Exceeding ¼ Ditto, and not exceeding 1 Oz.	0	8	0

And so on, adding 8 Annas for every Ounce or fraction of an Ounce.

4 On letters posted in Australia for conveyance by the Contract Packets, the only Postage to which they will be liable *in India*, will be the usual Indian Postage.

5. On Newspapers posted in India for the same conveyance, one Penny or nine Pie must be prepaid in Cash in addition to the usual Inland Postage when despatched from a Mofussil Post Office, or by the *After Packet.*

6. Newspapers received by the Contract Packets from Australia will be subject to the usual Inland Postage only.

G. PATON,

CALCUTTA,
The 13th February 1857.

Offg. Director General of the Post Office in India.

Packets for the reception of Letters by the following Ships are open at this Office :—

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Steamer Robert Lowe	Shand, Fairlie & Co. ..	15th Feb. 1857 ...	London ..	Madras, Ceylon, Mauritius, Cape, St. Helena, and Ascension.	
Steamer Lancefield...	Jardine, Skinner & Co. .	21st ditto ..	Penang, Singapore and China ...		
Steamer Hindoostan .	P. & O. S. N. Company.	23rd ditto ..	Suez ..	Madras, Ceylon & Aden.	

CALCUTTA ;
General Post Office,
The 13th February 1857.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the "* CALCUTTA GAZETTE" OFFICE, *No. 54, Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 14, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 11th of April next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Bengal.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the General Regulations of the Bengal Code : It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Territories under the Government of the Lieutenant Governor of Bengal as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

The Sudder Court at Calcutta shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges.

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs.

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges ; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers

6. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bengal Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousaud five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Suits for real property in Zillah Courts subject to different Sudder Courts.

18. If the Zillah Courts, within the limits of which the property is situated, are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the zillah, in which the action is brought, is subject; and the Sudder Court, to which such application is made, may, with the concurrence of the Sudder Court, to which the other zillah is subject, give authority to proceed with the same.

Declaratory suit.

19. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

20 The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to revi ws of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued.

The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—
Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

Reference to be made to the Judge in a suit for property in different jurisdictions.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Form of the register.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Document of debt should be shown to the officer.

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Summons may be for settlement of issues, or final disposal.

Of Summoning the Defendant.

10. The summons shall be in the following form, or to the following effect :—

Form of summons.

No. of Suit
In the Court of the of
holden at
Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name. description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of
(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

Directions to be endorsed on summons to settle issues.

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the sommons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bengal Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bengal Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the pleintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the, supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such proper y in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appoint d.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried therewith the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant or defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the Judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served

(2) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bengal Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bengal Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bengal Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record

How admitted exhibits are to be marked

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues

Judge may at any time call for a written statement

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bond fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bond fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal, if the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106 If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document

Service of Summons on a Witness.

111 Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, whether such Court be within the said Presidency or not, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed, and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length, but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Cases in which Court may issue a Commission to examine witnesses.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Calcutta, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, whether such place be within the said Presidency or within the territories in the possession of the East India Company or not, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the presence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV, respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27 In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30 In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Calcutta it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Calcutta, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a post upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years; and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

Chapter VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested.

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bengal Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court at Calcutta.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application.

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*] Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Calcutta [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence.

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent, to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds.

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence, and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day, on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4 The Principal Sudder Ameens and Moonsiffs shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Judge shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which he may have admitted a review of judgment, together with the grounds on which the review has been admitted, and shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim			Appearance.			Judgment.			Appeal.		Execution.						Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal	Judgment in Appeal.	Date of Application.	Date of Order	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT at CALCUTTA [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18 .

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT at CALCUTTA [or Zillah Court at .]
REGISTER OF APPEALS from ORDERS in the year 18 .

Date of Memorandum.	No. of Appeal.	Name of Appellant	Name of Respondent	Order appealed from.		Order in Appeal.	
				Of what Court	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 14, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 14th of April next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in the North Western Provinces.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the territories under the Government of the Lieutenant-Governor of the North Western Provinces as are subject to the General Regulations of the Bengal Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Territories under the Government of the Lieutenant Governor of the North Western Provinces as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Juriadictions of the Sudder Court

The Sudder Court at Agra shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges.

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers

6. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bengal Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate

Suits for real property in Zillah Courts subject to different Sudder Courts.

18. If the Zillah Courts, within the limits of which the property is situated, are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the zillah, in which the action is brought, is subject; and the Sudder Court, to which such application is made, may, with the concurrence of the Sudder Court, to which the other zillah is subject, give authority to proceed with the same.

Declaratory suit.

19. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

20. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued.

The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees , on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—
Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the summons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bengal Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bengal Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration.

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order, but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bengal Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bengal Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bengal Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues

92. If in the course of the oral examination of the parties or their vakeels, it shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects, from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, whether such Court be within the said Presidency or not, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Cases in which Court may issue a Commission to examine witnesses.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Calcutta, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, whether such place be within the said Presidency or within the territories in the possession of the East India Company or not, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requisition of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the presence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged ; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary ; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary ; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Courtby the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree ; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause.

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupacy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV respectively

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party, or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Calcutta it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Calcutta, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteed to the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years;

and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire. Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested.

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bengal Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. Afrer the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

CHAPTER IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3 In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall accept as hereinafter provided be to the Zillah Judge; in suits above that sum, to the Sudder Court at Agra.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge. Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*] Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Agra [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence.

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground.

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested	Minute of other Return than Payment or Arrest, and Date of every Return

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT at AGRA [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT at AGRA [or Zillah Court at .]
REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

THIRD SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY, 14, 1857.

Numb 14. [291]

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

WEDNESDAY, FEBRUARY 18, 1857.

Legislative Council.

The 7th February 1857.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 31st January 1857, and is hereby promulgated for general information :—

ACT No. III OF 1857.

An Act relating to Trespasses by Cattle.

Preamble.

WHEREAS loss and injury are suffered by cultivators and occupiers of land from damage done to crops and other produce of land by the trespass of Cattle, and whereas damage is done to the sides and slopes of public roads and embankments by cattle trespassing thereon ; and whereas it is expedient to authorize the seizure and detention of Cattle doing damage as aforesaid and also to make provision for the disposal of cattle found straying in any public place : It is enacted as follows :—

Laws repealed.

I. Section IV Regulation V. 1830 of the Bengal Code, Sections XII and LII Regulation XI. 1816 of the Madras Code, and such parts of Sections XIX, XLV, and LIII Regulation XII. 1827 of the Bombay Code, as authorize the Magistrates or Police Officers to take charge and dispose of stray Cattle, are hereby repealed.

Cattle doing damage to land may be seized and impounded

II. It shall be lawful for the cultivator or occupier of any land to seize, or cause to be seized, any cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village or township in which the land is situate. Village and other Police Officers, when called upon shall give their aid to cultivators and occupiers making such seizures.

Where pounds shall be established.

III. Pounds shall be established at the thannahs or district Police stations, and at such other places as the Magistrate, under the orders of the local Government, may determine. The village or villages by which every pound is to be used shall be determined and notified by the Magistrate.

Control and Management of pounds.

IV. The pounds shall be under the control of the Magistrate of the district, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the local Government shall direct. Provided that, in the Presidencies of Fort St. George and Bombay, the heads of villages and Police patells shall be ex-officio the keepers of village-pounds.

Seizures to be registered

V. When Cattle are brought to a pound, the pound-keeper shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner if known, and shall give a copy of the entry to the seizer. The pound-keeper shall take charge of and feed the Cattle until disposed of as hereinafter directed.

Pound-keeper to take charge of and feed cattle.

Fines.

VI. For every head of Cattle impounded as aforesaid, a fine shall be levied according to the following scale :—

	Annas.
Camel or Buffalo, ...	8
Horse or Tattoo, Bull, Bullock, or Cow,	4
Calf or Ass, ...	2
Sheep or Goat, ...	1

and no Cattle shall be released by a pound-keeper

without the payment of such fine unless the release be ordered by competent authority.

Procedure if owner appear and claim the Cattle.

VII. If the owner appear and claim the Cattle, they shall be delivered to him on payment of the prescribed fine together with the expense of feeding the Cattle at such rates as may from time to time be fixed by the Magistrate; and the owner, on taking back his Cattle, shall sign a receipt for them in the register kept by the pound-keeper. A schedule of the fines and of the rates of charge for feeding Cattle shall be stuck up in a conspicuous place on or near to every pound.

Procedure if Cattle be not claimed within a specified time.

VIII. If the Cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the Darogah or district Police Officer, who shall stick up in a conspicuous part of the Police Office a notice containing a statement of the number and description of the Cattle, the place where they were seized, and the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village, and at the market place, nearest to the place of seizure. If the Cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the Darogah or district Police Officer or an Officer of his establishment deputed for the purpose.

Procedure if owner appear and refuse or omit to pay the fines and expenses.

IX. If the owner appear, and refuse or omit to pay the fines and expenses, the Cattle, or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the Darogah or other Officer as aforesaid; and the remaining Cattle, and the balance of the purchase money, if any, shall be delivered to the owner, together with an account shewing the number of Cattle seized, the time during which they have been impounded, the charge for fines and expenses, the number of Cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of; and the owner shall grant a receipt for the Cattle delivered to him and for the balance of the purchase money paid to him (if any) according to such account. Provided always that, if a complaint against the seizure shall have been preferred under the provisions of Section XIV of this Act, no sale shall be made until the case shall have been decided, nor otherwise than according to the order which may be passed in such case.

Proviso.

Police Officers and pound-keepers not to purchase Cattle at a sale under this Act.

X. Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any Cattle at a sale under this Act.

Disposal of sale-proceeds, fines, and expenses.

XI. When Cattle are sold under the provisions of this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the sale-proceeds. The fines so recovered, as well as all fines received by the pound keepers under Section VII, shall be transmitted to the Magistrate by the Darogah, or district Police Officer. The expenses of feeding realized by sale shall be paid over to the pound-keepers who shall also retain and appropriate all sums received by them on account of such expenses under Section VII. The surplus proceeds of the sale of unclaimed Cattle shall be transmitted to the Magistrate, who shall hold them in deposit for three months, and, if no claim to them be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

Fines and unclaimed proceeds of sales to form a fund for the payment of pound-keepers, &c.

XII. The sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle shall form a fund which shall be available for the payment of any salaries which may be allowed to pound-keepers under the orders of the local Government or of expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act.

Penalty for forcibly opposing the seizure of Cattle or rescuing the same.

XIII. Every person who shall forcibly oppose the seizure of Cattle doing damage to land or to crops or other produce of land, or shall forcibly rescue the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound, shall be liable for such offence to imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding five hundred Rupees, or to both. Offences under this Section shall be dealt with by the Police Officers according to the provisions of Section XXV Regulation XX. 1817 of the Bengal Code, Section XXVII Regulation XI. 1816 of the Madras Code, and Section XLIII Regulation XII. 1827 of the Bombay Code.

Owner may prefer complaint to Magistrate within 10 days from date of seizure of his Cattle.

XIV. Any person whose Cattle shall have been seized and detained as doing damage to land or any crop or produce thereon, may prefer a complaint against the seizure, at any time within ten days from the date thereof, to the Magistrate, or to any Joint, Deputy, or Assistant Magistrate or other Officer having criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate.

Procedure.

The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other Officer as aforesaid, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate or other Officer as aforesaid, if on examination of the complainant or his agent he shall see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary enquiry into the case. If the seizure be adjudged illegal, the Magistrate or other Officer as aforesaid shall award to the complainant such damages, not exceeding in any case the sum of Rupees one hundred, as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure and detention, together with all expenses incurred by the complainant in procuring the release of the Cattle; or, if the Cattle have not been released, the Magistrate or other Officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fines and expenses leviable under this Act shall be paid by

Damages for illegal seizure.

the party who made the seizure. Moonsiffs and other Judicial Officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the local Government with the power of receiving and trying complaints under this Section, and in the exercise of such powers shall be subject to the same rules as Assistants and other Officers subordinate to the Magistrate.

Moonsiffs and others may be invested with power to adjudicate under this Section.

XV. Persons in charge of public roads, canals, embankments, and the like, may seize or cause to be seized any Cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall be applicable to such seizures.

Impounding of Cattle doing damage to roads, embankments, &c.

XVI. Village and other Police Officers shall convey to the pounds established under Section III of this Act all Cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of Cattle seized as trespassing and doing damage, shall be applicable to all Cattle impounded as aforesaid.

Impounding of stray Cattle the owners of which are unknown.

XVII. When any person commits mischief by causing Cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorized to seize Cattle under Section II of this Act, or of any person who may have made advances for the cultivation of the land and delivery of the produce; and any fine which shall be so adjudged may be recovered by sale of the Cattle by which the trespass was committed, or any portion of them, whether the Cattle were seized in the act of trespassing or not, and whether such Cattle are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

Recovery of penalty for mischief committed by causing Cattle to trespass.

XVIII. Any person, being an owner or keeper of pigs, who, through neglect or otherwise, shall damage or cause or permit to be damaged, any land or any crop or produce of land by allowing pigs to trespass thereon, shall be liable for such offence to a fine not exceeding ten Rupees. All sums recovered under this and the last preceding Section may be appropriated in whole or in part to compensate the complainant for damage proved to the satisfaction of the Magistrate.

Penalty for damage caused to land or crops by pigs.

Application of fines.

XIX. Nothing contained in this Act shall be held to prohibit any person, whose crops or other produce of land shall have been damaged by trespass of Cattle, from instituting a suit for the recovery of damages in any competent Court. Provided that any compensation which may have been paid to any such person by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as damages in such suit.

Saving of right of parties to institute a suit for the recovery of damages in any competent Court.

Proviso.

XX. The local Government, with the sanction of the Governor General in Council, may exclude from the operation of this Act any district or tract of country to which its provisions may be judged unsuitable.

Local Government, with the sanction of the Governor General in Council, may exclude any district, &c., from the operation of this Act.

XXI. In the construction of this Act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular; words importing the masculine gender shall include females; the word "Magistrate" shall include a Joint Magistrate, or other Officer lawfully exercising the powers of a Magistrate; the expression "Darogah or District Police Officer" shall, in the North-Western Provinces of the Presidency of Fort William, include a Tuhseeldar or Naib Tuhseeldar entrusted with Police powers.

Interpretation.

XXII. This Act shall commence and take effect from and after the first day of May 1857.

Commencement of Act.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 14th February 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 9th February 1857, and is hereby promulgated for general information :—

ACT No. IV OF 1857.

An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay.

WHEREAS it is expedient to amend the law relating to the duties payable on Tobacco and the retail sale and warehousing of that article in the Town of Bombay, It is hereby enacted as follows :—

Preamble.

I. Chapters V, VI, VII, and VIII of Regulation XXI. 1827 of the Bombay Code, and Act XXIV of 1850, are hereby repealed, but not so as to revive any other Regulation or Act thereby repealed.

Laws repealed.

II. All Tobacco (except such small quantities as are hereinafter mentioned) imported from any place into the Town of Bombay and intended for consumption therein, shall be liable to a duty of seven Rupees and eight annas per maund of forty seers of eighty tolas to the seer, which duty is hereinafter called the Municipal Duty; and such duty shall be leviable in addition to any Customs Duty prescribed by law.

Duty on Tobacco intended for consumption in Bombay.

III. The said Municipal Duty may be paid at the option of the importer either on the importation of the Tobacco, or after it has been warehoused as hereinafter provided.

Municipal Duty when payable.

IV. If the said Municipal Duty is not paid on importation, the Tobacco shall be warehoused in a public or licensed warehouse within the meaning of Act XXV of 1836; and the importer shall pay such duty on the said Tobacco on its removal from

Duty if not paid on importation, to be paid on removal from warehouse for consumption.

the warehouse for consumption in the said Town.

Remission of Duty on re-exportation.

When Tobacco so warehoused is re-exported to any place beyond the limits of the said Town, the whole of the said Municipal Duty shall be remitted.

Bombay a warehousing port for Tobacco.

V. The port of Bombay shall, after the passing of this Act, be held to be a warehousing port within the meaning of Act XXV of 1836, so far as regards the warehousing of Tobacco; and the provisions of the said Act, so far as the same are applicable, shall be applied to the warehousing of Tobacco in the said Town. The Import Duty in the said Act mentioned shall, as to Tobacco, include the Municipal Duty leviable under this Act.

Powers for collection and enforcing payment of the Duties.

VI. The Commissioner of Customs, Salt, and Opium, and Officers of Customs, shall have all the same powers and authorities for collecting and enforcing payment of the said Municipal Duty in addition to the powers and authorities specified in this Act, as they now have or shall have in respect of duties of Customs.

Tobacco not to be imported otherwise than by Sea.

VII. It shall not be lawful, without the permission of the Commissioner of Customs, Salt, and Opium, or other Officer empowered by Government to grant such permission, to bring any Tobacco or any preparation thereof into Bombay otherwise than by sea, nor to land the same at any other landing places than such as may from time to time be prescribed by the Government of Bombay.

Landing places to be prescribed.

Exemptions from Duty.

VIII. The foregoing provisions of this Act shall not be applicable to such small quantities of Tobacco (not exceeding in weight four seers of eighty tolas to the seer) as are intended for the private consumption of the importer.

Permit necessary for removal of Tobacco.

IX. It shall not be lawful to remove any Tobacco from one place to another within the said Town, nor to carry or convey the same on any thoroughfare in the said Town, nor to carry the same in any vessel or boat of less than forty candies burthen in any of the creeks or waters adjacent to the said Town, without a Permit from the Commissioner of Customs, Salt, and Opium, which Permit shall be in the form of Schedule A to this Act annexed, or to the like effect; any such Permit shall be in force only between sunrise and sunset of the day for which it is granted.

Proviso.

Provided always, that it shall be lawful to convey without a Permit any Tobacco so far as may be necessary for the lawful importation thereof according to the provisions of this Act, and also small quantities of Tobacco, not exceeding in weight four seers of eighty tolas to the seer, for personal or domestic use.

No Permit for removal of less than a bale from warehouse. Proviso.

X. No Permit shall be granted for the removal from warehouse of any quantity of Tobacco less than an entire bale or package. Provided that, when Tobacco is to be removed for consumption in the said Town, the Commissioner of Customs, Salt, and Opium, may give permission to open any bale or package previous to removal and to set aside such portion thereof as may be refuse or waste; and the said refuse or waste may be re-exported, under the rules for the re-export of Tobacco, at any time within one month from the date of such permission, or, if it be not so re-exported, may be destroyed by order of the Commissioner.

License for retail sale of Tobacco.

XI. It shall not be lawful for any person to sell or offer for sale by retail any Tobacco in the said Town without a license from the Commissioner of Customs, Salt, and Opium, or other Officer duly empowered by Government in that behalf, which license shall be in force for a period of twelve Calendar months from the date thereof, unless the person to whom the license is granted shall be deprived thereof under the provisions of this Act. A Fee of one Rupee shall be paid for every such license.

What to be deemed a retail sale.

XII. Any sale of Tobacco not exceeding in weight fourteen seers of eighty tolas to the seer shall be deemed to be a retail sale within the meaning of this Act.

Retail sale to be only at the place mentioned in the license.

XIII. It shall not be lawful for any licensed retail dealer in Tobacco to carry on the retail sale of the same, or to keep any store of the same, except at such shop or other premises as may be specified in his license; and the name of every retail dealer in Tobacco, together with the number of his license, shall be written or painted in English, Guzerati, and Maharatti, in plain and legible characters of not less than one inch in height, on a board to be affixed in a conspicuous manner in the front of the shop or premises where such retail sale is carried on.

Name of licensed dealer to be affixed to shop.

Monthly returns of stock to be made by retail dealers.

XIV. Every retail dealer in Tobacco shall, on or before the 10th day of each month, make to the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, a separate return for each shop or place of sale for which he holds a license showing the quantity of Tobacco on hand therein at the beginning of the preceding month, the quantity received during such month, and the persons from whom, and the dates on which, he received it, and the stock remaining at the close of such month; and any retail dealer, who refuses or neglects to make such return or makes a false return, shall be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Retail dealer to make entry in a book, of weight, &c. of all Tobacco received.

XV. Every retail dealer in Tobacco shall, on the same day on which he shall receive any Tobacco into any such shop or place of sale, enter in a book to be kept for that purpose, the weight of such Tobacco, the day on which he receives the same, and the name of the person from whom, and the place from which, he receives it; and

Inspection of book.

such book shall be open to the inspection of the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or of any person authorized by the Commissioner or such Officer to inspect the same; and the Commissioner or other Officer or person as aforesaid inspecting the said book, may make any minute therein, or any extract

therefrom, which he shall think fit ; and any retail dealer who neglects or refuses to comply with the provisions of this Section, shall for every offence be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Search Warrant.

XVI. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, may issue a warrant under his hand and seal to any public Officer, commanding him to enter and search between sunrise and sunset any building or place to be specified in the warrant in which Tobacco may be deposited under the provisions of this Act, or in which the Commissioner or other Officer as aforesaid has been credibly informed, which information shall be taken down in writing, that Tobacco is deposited contrary to the provisions of this Act; and to seize, and take away from thence, any Tobacco or other articles subject to confiscation under this Act.

Power to arrest and detain.

XVII. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or any public Officer authorized by the Commissioner or such Officer, may arrest and detain any person carrying or having charge of any Tobacco liable to confiscation under this Act, and may

To search vehicles, &c.

detain and search any vessel or package, and any boat or vehicle, containing or conveying, or supposed to contain or convey, any such Tobacco.

Confiscation of Tobacco illegally imported, removed, &c.

XVIII. All Tobacco imported into the said Town or removed from one place to another or kept within the said Town, or found in the possession of any person in the said Town selling or offering any portion thereof for sale, contrary to the provisions of this Act, and every vessel in which such Tobacco is contained ; and every vehicle, boat, or animal employed with the consent and knowledge of the owner or his servant in conveying the same—shall be liable to confiscation. Provided always, that it shall be lawful for the adjudicating Officer to mitigate the penalty of confiscation herein provided, by commuting the same to the payment of any fine not exceeding the value of the goods liable to confiscation ; and every such fine may be enforced, if necessary, by the sale of the goods liable to confiscation.

Mitigation of penalty.

Penalty for illegal importation, removal, sale, or possession.

XIX. Any person, who shall illegally import, remove, or sell in the said Town, any Tobacco, or who shall knowingly have in his possession any Tobacco subject to confiscation under this Act, shall be liable to a fine not exceeding ten times the value of such Tobacco ; and if the offender is a licensed retail dealer, he shall be liable to be deprived of his license by the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid.

Revocation of license.

Levy of fines and adjudication and sale of confiscations.

XX. All confiscations and fines under this Act may be adjudicated and levied by any Magistrate of Police for the Town of Bombay. Goods adjudged liable to confiscation shall be sold under warrant of the Magistrate.

Interpretation.

XXI. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction. :—

The words "Town of Bombay" shall include all places within the Islands of Bombay and Colaba.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

SCHEDULE A.

Form of Permit

No

A. B. has been permitted to remove from *(Custom House or licensed warehouse or shop No. situated in Kabbadavie street to warehouse or shop No. in Bazar street)* the under-mentioned quantity of Tobacco between sunrise and sunset on the day of in the year

(Signed)————

Commissioner of Customs, Salt, and Opium.

W. MORGAN,

Clerk of the Council.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee who are to report thereon after the 11th of April next :—

A Bill for raising Funds for making and repairing Roads in the Suburbs of Calcutta and the Station of Howrah.

Preamble.

WHEREAS considerable sums are expended annually by Government for making and repairing roads in the suburbs of Calcutta and the station of Howrah ; and whereas it is just and expedient that such expenses should be defrayed by the inhabitants of the said suburbs and station in the same manner as the expense of making and repairing roads in the Town of Calcutta is defrayed by the inhabitants of the said Town ; and whereas a tax has been imposed upon carriages and horses kept within the said Town, and it is expedient that a similiar tax should be imposed upon carriages and horses kept within the said suburbs and station : It is enacted as follows :—

Expense of making roads to be defrayed by inhabitants.

I. The sums required for making and repairing roads within the limits of the said suburbs and station, except as hereinafter otherwise provided, shall be contributed by the inhabitants of the said suburbs and station, and shall be recovered in the manner hereinafter provided.

A tax to be imposed on carriages, horses, &c.

II. A tax shall be imposed upon all carriages, horses, ponies, and mules kept within the limits of the said suburbs and station as those limits are defined in Act

1857, at the rates specified in the annexed Schedule, and shall be payable quarterly by the owners or persons having charge of the same.

Exemptions.

III. Provided that the carriages and animals hereinafter mentioned shall be exempt from the tax, namely,

Gun-carriages, and Ordnance carts and waggons.

Cavalry horses.

Horses belonging to Officers doing regimental duty at the Presidency or in the said suburbs or station, at the rate of one horse for each Officer.

Carriages and animals kept for sale and not used for any other purpose, if kept by *bonâ fide* dealers in such carriages or animals.

Lieutenant Governor may appoint Collector of tax.

IV. The Lieutenant Governor of Bengal may appoint such person as he shall deem fit to be Collector of the carriage and horse-tax in the said suburbs, and in the said station.

What will constitute liability to the tax for a whole quarter.

V. Every person, who may have owned or had charge of any carriage or animal kept within the said suburbs or station for a period exceeding thirty days in any quarter, shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that, when any person owning or having charge of any carriage or animal shall transfer the same to another person, he shall give notice thereof to the Collector within one week of the date of such transfer, or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such carriage or animal shall not have exceeded thirty days.

Carriages under repair.

VI. When a carriage shall have been under repair at a carriage-maker's for more than thirty days in any quarter, the Collector shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

Collector may compound with livery stable-keepers.

VII. The Collector, at his discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the rates specified in the Schedule.

Carriages and horses let for hire to residents in the suburbs liable to the tax.

VIII. Carriages and horses, let out for hire and kept for the time being in premises situated within the said suburbs or station, although owned by livery stable-keepers or others not residing within the limits of the said suburbs or station, shall be subject to the tax, and the sums to be charged for such carriages and horses shall be recoverable from the persons in whose premises they are for the time being kept.

Registry and numbering of carriages for hire

IX. Every carriage of the description rated in the Schedule at one Rupee and eight annas, kept within the said suburbs or station and let out for hire, shall be registered in the Office of the Collector and shall bear, in such manner as the Collector shall direct, the number of such registration. The registration shall be made and the number assigned annually upon such day in each year as the Collector shall appoint. Any person becoming possessed, within the year, of any such carriage which has not been registered, may obtain registration on application to the Collector at his Office. When any registered carriage is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

Penalty for not registering.

X. Whoever keeps any such carriage, required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees, and the Collector or any Officer duly authorized by him may seize or cause to be seized any such carriage (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the horses or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the Collector or his Officer as aforesaid, to seize and detain the same. If the carriage as aforesaid be not claimed or if the fine be not paid within ten days, such carriage, together with the animals seized with it, may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Collector.

List of persons liable to tax to be prepared.

XI. The Collector shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at his Office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax assessed thereon.

Returns may be required for purpose of making list.

XII. In order to enable the Collector to make such list, the Collector or any Officer authorized by him may send to all persons supposed to be liable to the payment of the tax, a Schedule to be filled up with such information respecting the carriages and animals kept by them as the Collector may judge necessary for the assessment of the tax. The Schedule shall be filled up in writing, and signed and dated, and returned to the Office of the Collector by every person to whom it is sent whether or not liable to the payment of the tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Power to summon persons liable to tax.

XIII. The Magistrate on the report of the Collector may, if he think proper, summon any person supposed to be liable to the payment of the tax, or any servant of such person, to appear before the Collector; and the Collector may examine such person or his servant as to the number and description of the carriages and horses in respect of which such person is liable to be assessed. If the person summoned shall, without lawful excuse, fail to appear in pursuance of the summons, or shall refuse to answer any lawful question of the Collector, or

knowingly give an incorrect answer, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees.

Appeal against assessment may be made to Magistrate.

XIV. Any person who may dispute his liability for any assessment made under the foregoing provisions of this Act or the amount of any such assessment, may appeal to the Magistrate. Provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Magistrate's decision final.

XV. The decision of the Magistrate upon every such appeal shall be final and conclusive; and no person shall be entitled to contest any assessment made under the foregoing provisions of this Act, in any other manner than by appeal to the Magistrate as hereinbefore provided.

Bill to be presented.

XVI. When any sum is due on account of the said tax, the Collector shall cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the carriages and animals for which the charge is made, together with a notice of the time within which an appeal may be preferred.

Notice of demand.

XVII. If the bill is not paid by the person liable to pay the same within five days from the presentation hereof, the Collector may cause to be served upon uch person a notice of demand in the form (A) ontained in the Schedule to this Act, or to the ke effect; and if such person shall not, within ve days from the service of such notice of demand, ay the sum due or show sufficient cause for non-ayment of the same to the satisfaction of the ollector, and if no appeal shall have been prefer-d, such sum with all costs may be levied by dis-ess and sale of the goods and chattels of the faulter under a warrant in the form (B) in the hedule, or to the like effect, to be issued for that rpose by the Collector.

ventory and notice ale.

XVIII. The Officer charged with the execution of the warrant of distress shall make an inventory of the goods and chattels seized under any h warrant, and shall at the same time give a ice in writing in the form (C) contained in the edule annexed to this Act, to the person in session thereof at the time of the seizure, that said goods and chattels will be sold as therein tioned.

lo.

IX. If the arrear is not paid with costs, or the warrant is not discharged or suspended by the Collector, goods and chattels seized shall be sold under orders of the Collector, who shall apply the eeds or such part thereof as may be necessary ischarge of the said arrears and costs; and the lus, if any, shall be returned on demand to person in possession of the goods and chattels e time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the of fees in the said Schedule.

s.

ctor may sue or on failure ess.

X. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or part of any sum due in respect of the tax, the Collector may sue the person liable for the same in any Court of competent jurisdiction.

Estimate of probable expense of making and repairing roads to be prepared annually, and published.

XXI. Previously to the first day of May of each year an estimate shall be prepared of the amount required during the year for the purpose of making and repairing roads in the said suburbs and in the said station; and such estimate, when sanctioned by the Lieutenant Governor, shall be published in the *Official Gazette* for general information.

If estimate of expense exceed estimated produce of carriage and horse tax, excess how to be recovered.

If the said estimate shall exceed the sum which the carriage and horse-tax is estimated to produce, with the addition of such further sums as may be assigned by Government for the said purpose out of the Ferry Fund, or any other public fund, such excess shall be added to the amount of the assessment or rate to be levied in the said suburbs and station under Act XX of 1856, and shall be made and recovered according to the provisions of that Act. Provided, however, that the limitation prescribed for an assessment or rate by Section XI of the said Act shall not be applicable to any assessment or rate made under this Act.

Proviso.

Collections and fines to be paid to suburban roads fund.

XXII. The proceeds of any assessment or rate made as aforesaid shall be kept distinct from the proceeds of the assessment or rate made for the purposes of the said Act XX of 1856, and such proceeds, together with all sums received by the Collector of the carriage and horse-tax and all sums assigned by Government as above provided, and all fines and penalties levied under this Act, shall form a fund which shall be called in the suburbs of Calcutta "the suburban roads fund," and in the station of Howrah "the station roads fund."

Appropriation of fund.

All expenses incurred for the purpose of this Act shall be defrayed from the said fund, and the residue shall be applied exclusively to making, repairing, and improving roads within the limits of the said suburbs and station. Provided that no payment shall be made from the said fund for the repair of such roads or parts of roads as are hereinafter described, namely, in the said Suburbs —

The Barrackpore road with the Lock-gate road.
The road from the Cossipore gun-foundery to Dum-Dum.
The Belgatchya or Dum-Dum road.
The Behalea or Diamond Harbour road from the cross road to Allipore and Tollygunge.
The Budge Budge road.
The Gurreahhath or Culpee road from the end of Old Ballygunge road.
The Canal roads, and the roads leading from the Canals and Salt-water lake into the Town, namely, the Balliaghutta, Narkooldangah, Manicktollah, Ooltadunga, Gooreeparah, South Sealdah, Khooleah, Nimtollah, Jonmajoy Baboo's Khodagunge, and Khodghatta roads, and the Soorah road between the Balliaghatta and Narkooldanga roads.

In the said Station—
The Hooghly road from the part where it is crossed by the Old Benares road.

The Old Benares road from the same point—or for making or maintaining any part of any other main road of communication between the Town of Calcutta and the interior of the country which may hereafter be constructed.

Statement of expenses incurred, and of receipts and disbursements of fund, to be published annually.

XXIV. The Lieutenant Governor of Bengal shall cause Statements to be prepared annually of all expenses incurred on account of making, repairing, and improving the roads of the said suburbs, and of the said station, and of all sums credited to, and disbursed from the suburban roads fund and the Howrah station roads fund, and the said Statements shall be published in the *Official Gazette* for general information.

SCHEDULE.

	Rupees per Quarter.
For every 4-wheel carriage on springs drawn by two horses	4 8 0
For every 4-wheel carriage on springs, drawn by one horse, or pony, or a pair of ponies, under thirteen hands	1 8 0
For every 4-wheel carriage, without springs	1 8 0
For every 2-wheel carriage on springs	2 4 0
For every 2-wheel carriage without springs, drawn by a horse, pony, or mule	0 12 0
For every horse	2 4 0
For every pony under thirteen hands, or mule	0 12 0
Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.	

A.

Notice of Demand.

Take notice that the Collector of the horse and carriage-tax for demands from you the sum of due from you for for the months of 185 ; and that if the sum due is not paid into the said Collector's office at or if sufficient cause for the non-payment of the sum is not shown to the Collector within five days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(Signature of the Collector.)

Date———

B.

Distress Warrant.

To *(here insert the name of the Officer charged with the execution of the warrant.)*

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the notice of demand ; This is to command you to distrain the goods and chattels of the said to the amount of the said sum of Rupees and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels ; and having paid and deducted out of the proceeds of the sale the said sum of Rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to me together with this warrant.

(Signature of the Collector.)

C.

Form of Inventory and Notice.

State particulars of goods seized.

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; and that, unless you pay into the Office of the Collector of the horse and carriage-tax for the amount due, together with the costs of this distress within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Collector.)

Date———

W. Morgan,
Clerk of the Council.

Notifications, Appointments, &c.

No. 296.

Fort William, Home Department,
The 12th February 1857.

Notification.—Under the provisions of Act No. XXI. of 1836, the Right Hon'ble the Governor General in Council is pleased to alter the limits of Zillah Chittagong and Zillah Tipperah by taking the Island of Hutteah from the former and adding it to the latter.

No. 296 A.

The 13th February 1857.

The following Extract, (paragraph 1), from Despatch No. 124 of 1856 dated the 17th December, from the Hon'ble the Court of Directors, published for general information :

Para. 1. "We have the satisfaction to inform "you, that Her Majesty has been pleased to confer "the honor of Knighthood upon Dr. William "Brooke O'Shaughnessy, the Superintendent of "Electric Telegraphs.

No. 312.

The 14th February 1857.

Mr. G. G. Balfour, of the Civil Service, reports his departure for England by the Ship *Agamemnon*, which vessel was left by the Pilot in Sea on the 8th instant.

No. 313.

Mr. J. Strachey, of the Civil Service, reported his departure for England by the Steamer *Bengal*, which vessel was left by the Pilot at Sea on the 10th instant.

No. 314.

Mr. J. R. B. Bennett, Post-Master General of Bengal, reported his departure for England by the Ship *Blenheim*, which vessel was left by the Pilot at Sea on the 9th instant.

No. 316

The 16th February 1857.

Messrs. H. B. Harington, H. V. Walton, W. K. D. Bignell, and J. H. Lane, appointed by the Hon'ble the Court of Directors, to be Assistants in the Telegraph Department, reported their arrival in Calcutta on the 2nd instant.

No. 346.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. E. Sandys, of the Civil Service, who reported his return from Furlough on the 14th instant.

No. 347.

The Furlough available by the return to India of Mr. E. Sandys, is assigned to Mr. H. Pratt, of the Civil Service, for three years, from the date of his embarkation for Europe.

No. 348.

The Right Hon'ble the Governor General in Council is pleased to grant Mr. G. H. Treeling, of the Civil Service, leave of absence to Europe, on urgent private affairs, for one year.

No. 349.

The Right Hon'ble the Governor General in Council is pleased to attach Mr. W. V. G. Taylor, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 350.

The 17th February 1857.

The Right Hon'ble the Governor General in Council is pleased to permit Mr. E. H. Morland to resign the East India Company's Civil Service, from the 1st May next.

No. 351.

The following Notification relating to an examination of candidates, for the "Civil Service" of the East India Company to be held in July 1857, is published for general information :

CIVIL SERVICE OF THE EAST INDIA COMPANY.

1. In July 1857, an examination will take place of candidates for appointments to the Civil Service of the East India Company. Notice will be hereafter given of the days and place of examination.

2. Any natural-born subject of Her Majesty, who shall be desirous of entering the Civil Service of the East India Company, will be entitled to be examined at such examination, provided he shall, before the 1st of May 1857, have transmitted to the India Board, Cannon Row, Westminster :

(a) A certificate of his birth, showing that his age, on the 1st of May 185 , will be above eighteen years and under twenty-three years.

(b) A certificate, signed by a physician or surgeon, of his having no disease, constitutional affection, or bodily infirmity, unfitting him for the Civil Service of the East India Company.

(c) A certificate of good moral character, signed by the head of the school or college at which he has last received his education ; or, if he has not received education at any school or college since the year 1854, then such proof of good moral character as may be satisfactory to the Board of Commissioners for the affairs of India.

(d) A statement of those of the branches of knowledge hereinafter enumerated in which he desires to be examined.

3. The examination will take place only in the following branches of knowledge :

English Language and Literature :	
Composition	500
English Literature and History, including that of the Laws and Constitution	1,000
	1,500
Language, Literature, and History of Greece	750
" " " Rome	750
" " " France	375
" " " Germany	375
" " " Italy	375
Mathematics, pure and mixed ...	1,000
Natural Science, that is, Chemistry, Electricity, and Magnetism, Natural History, Geology, and Mineralogy ...	500
Moral Sciences, that is, Logic and Mental, Moral, and Political Philosophy ...	500
Sanscrit Language and Literature ...	375
Arabic Language and Literature ...	375
	6,875

4. The merit of the persons examined will be estimated by marks, according to the ordinary system in use at several of the Universities ; and the number set opposite to each branch in the preceding paragraph denotes the greatest number of marks that can be obtained in respect of it.

5. No candidate will be allowed any marks in respect of any subject of examination, unless he shall obtain, in respect of that subject, one-sixth of the number of marks set against that particular subject.

6. The examination will be conducted by means of printed questions and written answers, and by *viva voce* examination.

7. After the examination shall have been completed, the marks obtained by each candidate, in respect of each of the subjects in which he shall have been examined, will be added up, and the names of the twelve candidates who shall have obtained a greater aggregate number of marks than any of the remaining candidates will be set forth in order of merit; and those twelve candidates will be appointed to the Civil Service of East India Company, in the Presidency of Bengal, provided they comply with the regulations in force at the time for the said Service.

8. The Commissioners for the affairs of India will be ready to receive, at any time previous to the 1st of May 1857, the testimonials of persons desirous of being appointed to the office of Examiner: but no such appointment will be made until after the date above-mentioned.

9. All papers relating to the above-mentioned examination are to be sent, and all inquiries are to be addressed, thus:

"The Secretary,
"India Board,
"Westminster."

"E. I. C. Civil Service
"Examination."

By Order of the Governor General in Council,

CECIL BEADON,

Secy. to the Govt. of India.

No. 767.

Fort William, Foreign Department,

The 16th February 1857.

Notification—On the occasion of the Durbar, for the reception of the Maharaja Scindia, which will take place on Friday, the 20th instant, at 4 P. M. precisely, Carriages of gentlemen attending, when setting down, are to enter by the North-East Gate of Government House, and go out by the North-West Gate, *turning to the right.*

Carriages, on taking up, will enter by North-East Gate, and go out by centre North Gate, so as not to interfere with the Troops. Carriages will draw up in front of the grand Stair Case on the North; *not* under the Portico.

No Carriages will be admitted after 3-45 P. M.

All gentlemen attending the reception of the Maharaja are required to deliver the Cards, with which they will have been furnished, at the door of the entrance into the Marble Hall, to the Police Inspector in waiting, who will be ordered to refuse admission, except on presentation of the Card.

By Order of the Right Hon'ble the Governor General,

G. F. EDMONSTONE,

Secy. to the Govt. of India.

No. 784.

The 17th February 1857.

The services of Lieutenant A. J. Bruce, 14th Regiment Madras N. I., Junior Assistant to the Commissioner of Mysore, are placed temporarily at the disposal of the Government of Fort St. George, at the request of that Government.

No. 785.

The services of Captain A. W. Graham, of the 4th Regiment Bombay N. I. (Rifles), are re-placed at the disposal of the Government of Bombay, consequent upon promotion.

No. 786.

Lieutenant A. Procter, Adjutant of the 4th Regiment of Infantry, Gwalior Contingent, reported his arrival at Gwalior on the 1st instant.

No. 787.

The Governor General in Council is pleased to appoint Captain H. Hopkinson, Commissioner of Arracan, to officiate as Commissioner of the Tenasserim and Martaban Provinces, during the absence, on leave, of Colonel Sir A. Bogle.

G. F. EDMONSTONE,

Secy. to the Govt. of India.

No. 13.

Fort William, Financial Department,

The 14th February 1857.

Notification.—Notice is hereby given, that the Salaries, Pay, Batta, and Allowances of the Civil, Military, and Marine Departments, for the month of February 1857, will be payable as under:

Military and Marine Departments, on Monday, the 9th proximo.

Civil ditto, on Saturday, the 14th proximo.

By order of the Right Hon'ble the Governor General of India in Council,

C. HUGH LUSHINGTON,

Secy. to the Govt. of India.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 44 B. of 1857.

Judicial Department,

Head Quarters, the 12th February 1857.

Leave of Absence.—The usual preparatory, leave to reach the port of embarkation, is granted under the Orders of the Government of India, dated 14th November last, to Mr. Ralph John Tayler, Civil and Sessions Judge of Jounpoor, from the 17th March 1857.

C. B. THORNHILL,

Offg. Secy. to Govt., N. W. P.

No. 619 of 1857.

Judicial Department,

Agra, the 10th February 1857.

Leave of Absence.—Mr. W. Crozier, Civil Assistant Surgeon of Jubulpoor, for thirty days, from the 28th January 1857, under the Rules applicable to Military Officers on Staff employ.

No. 647 of 1857.

The 12th February 1857.

Mr. P. H. Egerton, Magistrate and Collector of Delhie, for six months, from the 24th February 1857, under Section XIV. of the Rules, on urgent private affairs to England, and fifteen days to enable him to reach the port of embarkation.

R. C. OLDFIELD,

Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 14th February 1857.

No. 250 *of* 1857.—The under-mentioned Officer, is permitted to proceed to Europe on leave of absence, on Sick certificate :

Lieutenant Robert Howard Price, of the 31st Regiment Native Infantry ... } For three years, under the old Regulations.

Fort William, 16th February 1857.

No. 251 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders :

No. 705, *dated* 11*th February* 1857.—The Governor General in Council is pleased to grant to Lieutenant-Colonel J. Travers, Commandant of the Bhopal Contingent, leave of absence for two months, from the 17th ultimo, to proceed to Bombay, preparatory to applying for further leave to Europe, on Medical certificate.

Lieutenant F. L. Magniac, Second in Command, is appointed to act temporarily as Commandant of the Contingent, until further orders.

No. 707, *dated* 13*th February* 1857.—The services of Assistant Surgeon H. W. Bellew are placed at the disposal of the Chief Commissioner of the Punjaub, for special duty.

No. 708, *dated* 13*th February* 1857.—Assistant Surgeon M. G. Hill, Civil Surgeon of Seetapore, to have Medical charge of the Station of Mahomdee also.

No. 711, *dated* 13*th February* 1857.—The Governor General in Council is pleased to grant to Lieutenant A. O. Mayne, Commandant of Artillery, United Malwa Contingent, leave of absence, on private affairs, from the 1st proximo to the 3rd April next, to visit Bombay, preparatory to embarking for Europe.

No. 713, *dated* 13*th February* 1857.—The Governor General in Council is pleased to make the following appointments in the Gwalior Contingent :

2nd Cavalry.—Assistant Surgeon W. F. B. Dalzel, M. D., officiating, to the Medical charge, *vice* Dr. Lay, proceeded to Europe on furlough.

6th Infantry.—Assistant Surgeon P. O'Brien, officiating, to the Medical charge, *vice* Dr. Dalzel.

4th Infantry.—Assistant Surgeon F. S. Sillifant, officiating, to the Medical charge, *vice* Dr. O'Brien.

No. 252 *of* 1857.—The following Notifications, from the Public Work Department, are published in General Orders :

No. 18, *dated* 13*th February* 1857.—*Memorandum.*—The names of the following Officers should have appeared in the Classified List of the Establishments of the Department of Public Works, published in Notification No. 6, dated 20th January 1857 :

Lieutenant J. St. J. Hovenden, of Engineers, as an Executive Engineer 4th Class, posted to the Peshawur District in the Punjaub.

Lieutenant J. T. Tovey, Her Majesty's 24th Foot, as an Assistant Engineer 1st Class, posted to the Peshawur Division in the Punjaub.

The names of Serjeant F. Anson, Overseer (No. 2) 12th or Umballah Division, and of Assistant Overseer (No. 130) Corporal J. Riley, 2nd Division, Lahore and Peshawur Road, having been erroneously inserted in the above-mentioned List, are to be struck out.

No. 19, *dated* 13*th February* 1857.—The Right Hon'ble the Governor General in Council is pleased to confirm the authority given by the Hon'ble the Lieutenant-Governor, North-Western Provinces, to constitute the Agra District Irrigation Works a minor Executive Division, and to attach it to the Irrigation Department, North-Western Provinces.

Serjeant E. Battie, Executive Engineer 4th Class, Delhie and Goorgaon Irrigation and Drainage Works, is transferred to the charge of the above-named Division.

No. 20, *dated* 13*th February* 1857.—Mr. H. Leonard, C. E., Executive Engineer Dacca Navigation, is appointed Executive Engineer of the new Port on the Mutla.

No. 21, *dated* 13*th February* 1857.—Lieutenant D. Limond, of Engineers, Officiating Executive Engineer, Burdwan Division of Embankments, is permanently appointed to that post, *vice* Lieutenant R. de Bourbel, appointed to another situation.

No. 22, *dated* 13*th February* 1857.—The appointment of Lieutenant Lang to officiate as Executive Engineer of the Meean Meer Division, is to have effect from the 1st August 1856, the date on which he joined his post.

Mr. D. Kerwan, Probationary Assistant Engineer Inundation Canals, Punjaub, is placed in charge of the Civil Buildings at Anarkullee and the Citadel of Lahore, as a temporary arrangement, with effect from the 7th September 1856, the date on which he joined.

No. 253 *of* 1857—The following Notifications, issued by the Hon'ble the Lieutenant-Governor of Bengal, are published in General Orders :

Leave of Absence.—The 9th February 1857.—Civil Assistant Surgeon T. Hastings, of Burdwan, from the 20th instant, under the Rules applicable to Military Officers on Staff employ, preparatory to proceeding on furlough.

Lieutenant T. Lamb, Officiating Principal Assistant to the Commissioner of Assam at Durrung, for twenty-five days, on Medical certificate, from the 24th ultimo, in accordance with the Orders of the Financial Department of the 22nd February last.

No. 254 *of* 1857.—The Order issued to the Meeranzaie Field Force, by the Brigadier Commanding, dated 25th November 1856, directing Assistant Surgeon A. M. Garden, of the 6th Punjaub Infantry, in the absence, on detached duty, of the Medical Officer of the 2nd Punjaub Infantry, to accompany a detachment consisting of a Wing of the 4th Punjaub Cavalry, and the 2nd Punjaub Infantry, and directing Assistant Surgeon J. R. Jackson, M. D., 1st Punjaub Infantry, to afford Medical aid to the 6th Punjaub Infantry, during the absence of Assistant Surgeon Garden, is confirmed.

No. 255 *of* 1857.—The Order issued to the Meeranzaie Field Force, by the Brigadier Commanding, dated 29th November 1856, directing Assistant Surgeon A. M. Garden, of the 6th Punjaub Infantry, to receive Medical charge at Isoorazie of Invalids returning to Kohat from the Re-g-

ments, &c. on service, and to return from Kohat with a detachment of the 2nd Punjaub Infantry, is confirmed.

No. 256 *of* 1857.—The following Orders are confirmed :

Dated 20th October 1856.—Punjaub Irregular Force Orders issued by the Brigadier Commanding, directing Assistant Surgeon J. R. Jackson, of the 1st Regiment of Infantry, on the march of the Meeranzaie Field Force of which that Regiment formed a part, to remain in Medical Charge at Kohat till relieved by Assistant Surgeon R. Rouse, of the 5th Regiment, on the arrival of the latter Officer from detached duty at Bunnoo, or until further orders.

Dated 25th October 1856.—Kohat Station Order directing Assistant Surgeon Rouse to relieve Assistant Surgeon Jackson of the Medical charge at Kohat, (including Jail and Civil Establishments) and the latter Officer to proceed and join the 1st Regiment in Meeranzaie.

No. 257 *of* 1857.—The under-mentioned Officer, recently posted, is, at his own request, transferred to the Corps specified opposite to his name :

Ensign H. H. Chapman, from the 19th to the 37th Regiment Native Infantry, at Benares, as Third Ensign.

No. 258 *of* 1857.—The following paragraphs of a Military letter, from the Hon'ble the Court of Directors, to the Government of India, No. 1, of the 2nd January 1857, are published for general information :

1. We have permitted the under-mentioned Officers to return to their duty, *viz.* :

Major W. R. Prout.
„ M. T. Blake.
„ R. H. Miles
Captain R. B. Macleod.
„ R. M. J. Tozer.
„ W. Williamson.
„ W. J. Hicks, in January.
„ J. Doran.
„ A. S. Smith.
„ A. Forsyth.
Lieutenant C. F. Mackenzie.
„ F. J. S. Bagshaw.
„ C. D. Innes.
„ T. A. Corbett.
„ Hugh Grant.
„ F. R. Pollock.
„ J. Machell.
„ W. M. Grierson.
Ensign J. T. Stanton, on 20th January.
Surgeon M. M. Rind.
„ J. A. Dunbar.
Assistant Surgeon R. D. D. Allan, M. D.
„ H. A. Oldfield, M. D.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, *viz.* :

Colonel C. Douglas	6 months.
Lieutenant-Colonel W. F. Beatson	8 ditto.
„ J. R. Pond ...	6 ditto.
Major W. Abercrombie	
„ G. Biddulph	
Captain C. Wright.	
„ J. D'O. Baring, ...	
„ W. Olpherts.	3 ditto.
Lieutenant H. J. R. Low	
Lieutenant R. Young	6 months.
„ C. E. Ashburner	
„ A. W. Winmett	
„ A. B. Johnson	
„ C. P. Lucas	
Ensign H. H. Lyster	
„ R. C. Money...	
„ M. C. Perreau	
Assistant Surgeon G. M. Govan, M. D....	
Veterinary Surgeon R. Willis ...	

3. The under-mentioned Officers have been permitted to retire from the Service from the dates specified, *viz.* :

Lieutenant-Colonel Henry Foquett, of the Infantry, from the 11th November 1856.

Brevet Lieutenant-Colonel D. F. Evans, 16th Regiment Native Infantry, from the 22nd October 1855.

Brevet Lieutenant-Colonel E. G. Austin, of the Artillery, from the 8th June 1856.

Brevet Lieutenant-Colonel F. K. Duncan, of the Artillery, from the 17th November 1856.

Brevet Major J. J. Hamilton, 36th Native Infantry, from the 9th October 1856.

4. Lieutenant F. R. Croly, of the Invalid Establishment, has also been permitted to retire from the Service.

No. 259 *of* 1857.—The following paragraphs of a Military letter, from the Hon'ble the Court of Directors, to the Government of India, No. 13, of the 7th January 1857, are published for general information :

1. We have permitted the under-mentioned Officers to return to their duty, *viz.* :

Lieutenant-Colonel H. Boyd.
Lieutenant C. Baily.
„ C. Carter.
„ E. L. Hawkins.
„ C. E. Mills, *vid* Bombay.

2. The under-mentioned Officers have been granted extensions of leave for the period specified, *viz.* :

Lieutenant R. A. F. W. Ellis...	6 Months.
Ensign E. R. Pogson	

3. Lieutenant P. A. Agnew, of the Artillery, has been permitted to resign the Service. His vacancy has effect from the 5th December 1854.

No. 260 *of* 1857.—The following paragraphs of a Military letter, from the Hon'ble the Court of Directors, to the Government of India, No. 15, dated 7th January 1857, are published for general information :

1. We have appointed Mr. George Prince Nash, now abroad, a Cadet of Infantry upon the Bengal Establishment, subject to the usual conditions, and to his being found qualified agreeably to the prescribed test.

2. Mr. Nash's order of rank will be transmitted in due course.

No. 261 *of* 1857.—The following lists of rank of Cadets and Assistant Surgeons appointed for the Bengal Presidency, are published for general information:

No. 1 *of* 1857.

LIST OF RANK OF CADETS FOR THE BENGAL ARTILLERY, ENGINEERS, CAVALRY, AND INFANTRY.

For the Artillery.

To rank from the 12th December 1856, the day on which they passed their public Examination, and in the following order, provided they take their departure within the prescribed period, *viz*:

Edward Trevor Hume.
John Nickleson Martin.
Thaddeus Ryan.
George Maguire Wellington Sotheby.
James Henry Knox.
Frederick William Burney.
William O'Brien.
Alexander Walker.
Henry Girardot.

For the Engineers.

To rank from the 9th December 1854, the day on which he passed his public Examination, *viz.*:

John Greenlaw Forbes, ... Quitted Chatham, 23rd Sept. 1856. } *Overland*, 20th Dec.

For the Cavalry.

To rank from the date of his departure from Southampton by the Overland Route, *viz.*:

Arthur George Webster..... .. 20th Dec

For the Infantry.

To rank from the 12th December 1856, the day on which they passed their public Examination, and in the following order, provided they take their departure within the prescribed period, *viz.*:

Arthur Donald Butter.
Henry Algernon Shaw.
Henry Lewin Marsh.
George Dukinfield Astley Younghusband.
Alexander Shaw.

To rank from the 13th December 1856, agreeably to Court's Resolution of 4th December 1833, and in the following order; those appointed abroad being subject to the regulations as to passing the prescribed Examination, *viz.*:

Reginald Sutherland Byrne, (abroad) ... Desp. appd. 24th Sept. ... } Despatch *viâ Southampton*, 4th October.

Clement Pigon, ... Appd. 17th September... Lionel Smith, ... Ditto 8th October ... } *Overland*, 20th October.

Edwin Beddy, (abroad) .. Desp. appd. 29th Oct. ... Wynyard Hudleston Warner,... 8th October ... Henry Marsh Pratt, ... 1st October ... } *Overland*, 4th November.

Edmond Swetenham, (abroad) Desp. appd. 5th November Charles Henry Cantor, (abroad) Desp. appd. 5th Nov. . } Despatch *viâ Marseilles*, 10th November.

Draycott de-la-Garde Birkett,... Appd. 29th October ... Alfred Goldney, ... Appd. 22nd October ... } *Cape of Good Hope*, 17th November.

James Jenkins Blair, ... Appd. 12th November... George William Holdsworth,... Appd. 8th October ... Robert Allen Stevens, ... Appd. 29th October ... William James Forlong, ... Appd. 29th October ... Henry Sullivan Jarrett, ... Appd. 8th October ... Leopold Exxel Evans, ... Appd. 8th October ... } *Overland*, 20th November.

Leopold John Herbert Grey,... Appd. 12th October ... Wardlaw Cortlandt Anderson, Appd. 8th October ... Francis Fraser John Foke, (abroad) ... Desp. appd. 19th Nov. ... Henry Hamer Stansfeld, ... Appd. 17th September ... Patrick Carfrae Dalmahoy, ... Appd. 19th November ... } *Overland*, 20th November.

Henry Goschen, ... Appd. 3rd December ... Robert Loveday Inglis, (abroad) Desp. appd. 26th Nov. ... Evelyn Charles Hill, (abroad) Desp. appd. 26th Nov. ... } *Overland*, 4th December.

Robert Cecil Clifford, ... Appd. 12th November . } *Baltic*, 8th December.

John Williams Grant, ... Appd. 26th November, ... Richard Newcomen Evans, ... 5th November, ... } *Ireland*, 10th December.

To rank from the date of the departure from Southampton of the Overland Mail, he having proceeded *viâ* Marseilles to join the same at Alexandria; *viz.*:

Charles James Garstin ... 20th December.

To rank from the date of their departure from Southampton by the Overland Route, and in the following order, *viz.*:

Herbert Durnford ... James Frederic Elton ... Connel O'Donel ... } 20th December.

To rank from the date of the departure from Southampton of the Overland Mail, he having proceeded *vid* Marseilles to join the same at Alexandria, *viz.* :

Henry Bristow Sanderson ... 20th December.

To rank from the date of their departure from Southampton by the Overland Route, and in the following order, *viz.* :

Alan Murray ...
George Farquhar Irving Graham ...
John Tierney Davidson ... } 20th December.
George Atkins ...
Alfred Mansell Angelo ...
George Battye Fisher ...

To rank from the date of the transmission by the Overland Mail of the Despatch announcing his appointment, subject to the regulations as to passing the prescribed Examination :

Hugh Bedford Troup, (abroad), 20th December.

To rank from the date of his departure from Southampton by the Overland Route, *viz.* :

Horace Christopher Fagan ... 20th December.

(Signed) PHILIP MELVILL,

Secy., Mily. Dept.

East India House,
2nd January 1857.

(True Copy)

(Signed) JAMES C. MELVILL.

East India House,
London, 10th January 1857.

No. 1 *of* 1857.

LIST OF RANK OF ASSISTANT SURGEONS FOR BENGAL.

The under-mentioned Assistant Surgeons not having proceeded within the period allowed for their embarkation, their names are to be struck out of their respective lists of Rank, and they are to rank from the dates of their departure from this country, *viz.* :

Hickman Rose Daniell, List No. 3 of 1856 ... } *Utopia*, 21st September.

William Roche Rice, M. D., List No. 4 of 1856 .. } *Overland*, 20th November.

Frederick Christian Bushman, } *Overland* 4th December.
Ditto ditto ditto ... }
Henry Thomas Cary ... }
Ditto ditto ditto ... }

Richard Theophilus Abbott, M. D. ... } *Ireland*, 10th Dec.
Ditto ditto ditto ... ... }

(Signed) PHILIP MELVILL.

Secy., Military Dept.

East India House,
2nd January 1857.

(True Copy)

(Signed) JAMES C. MELVILL,

East India House,
London, 10th January 1857.

Fort William, 17th February 1857.

No. 262 *of* 1857.—The following Notification from the Financial Department, No. 9, dated 30th January 1857, is published in General Orders :

No. 9, *dated* 30*th January* 1857.—Read again the Government Notification in this Department, No. 51, dated 14th November 1856, on certain points connected with the Civil Service Absentee Rules.

Read an Endorsement from the Home Department, No. 79, dated 16th January 1857, forwarding for consideration and orders a letter from the Government of Bombay on the same subject.

Resolution.—The Right Hon'ble the Governor General in Council remarks, that it has been resolved by this Government, that "Officers intending to take Furlough, or to retire from the Service, will in future be required to continue to serve, unless disabled by sickness, for a period of three months after return to duty from Privilege Leave under the Civil Absentee Rules, failing which, its advantages will be forfeited ; that the period of preparatory leave prior to Furlough on Private Affairs, during which the Absentee shall be allowed a moiety of his allowance, shall be governed by the Rules* applicable to similar leave in case of Medical certificate, extending to one, two, or three months, according to circumstances ; and that Officers stationed at the Presidency Towns† will be allowed preparatory leave for a period not exceeding one month."

* Clause VI. of the Covenanted Civil Service Absentee Rules.

† Calcutta, Madras, Bombay.

The Government of Bombay now report that, on a reference from the Archdeacon at that Presidency, they have recently held that the Rules

above quoted are to be considered applicable to Chaplains and Assistant Chaplains.

The Governor General in Council is of opinion, that the view expressed in the letter from the Government of Bombay is correct.

Order.—Ordered, that a copy of the foregoing Resolution be forwarded to the Home Department, for communication to the Government of Bombay, and that the paper noted in the margin be returned, copy being kept for record in this Office.

Letter from the Government of Bombay, No. 8, dated 3rd January 1857.

Ordered, that a copy of the Resolution be communicated to the Departments* and Governments† noted in margin.

Ordered also, that a copy of the Resolution be published in the *Calcutta Official Gazette*.

* Foreign. Military.

† Madras. Bengal. N. W. Provinces. Eastern Settlements.

No. 263 *of* 1857.—The Order issued by the Officer Commanding 1st Sikh Infantry, dated Siribundh, 26th November 1856, directing Assistant Surgeon H. Thom, M. D., of that Corps, to receive Medical charge of the Jail at Hurreepore from Sub-Assistant Surgeon D. W. Renton, proceeding on leave, is confirmed.

No. 264 *of* 1857.—The under-mentioned Officer reported his arrival on the date specified opposite to his name:

	Date of Arrival at Bombay.
Captain H. D. Abbott, of the 31st Madras Native Infantry, Brigade Major and Pay Master Hyderabad Contingent, on leave* for fifteen months, from the 3rd November 1855 ...	22nd Jan. 1857.

* G. G. O. No. 1228, dated 29th November 1855.

No. 265 *of* 1857.—The under mentioned Officer of the Regiment of Artillery, is promoted to the rank of Captain by Brevet, from the date expressed opposite to his name:

Lieutenant Henry LeGeyt Bruce ...	15th Feb. 1857.

No. 266 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment, without prejudice to their rank, by permission of the Honorable the Court of Directors:

	Date of Arrival at Fort William.
Major Walter Robert Prout, 56th Regiment Native Infantry Captain Richard Milford John Tozer, 45th Regiment Native Infantry ... Lieutenant Charles Carter, 58th Regiment Native Infantry... Lieutenant William Matthew Grierson, 70th Regiment Native Infantry ...	14th Feb. 1857.

No. 267 *of* 1857.—The Governor General of India in Council is pleased to notify, that the Hon'ble the Court of Directors have authorised the grant to Mrs. L. Foster, widow of Lieutenant James Foster, of the Veteran Establishment, of such addition to her pension from Lord Clive's Fund, as will increase the amount to £40 a year at the rate of 2*s* ½*d* the rupee; the pension commencing from the date of Lieutenant Foster's decease.

No. 268 *of* 1857.—With the approval of the Hon'ble Court of Directors, the Right Hon'ble the Governor General of India in Council is pleased to authorize the appointment of a Deputy Commissary of Ordnance, (a Commissioned Officer of Artillery), to each of the Arsenals of Fort William, Allahabad, and Ferozepore. Officers nominated to the Ordnance Department will, on appointment, be hereafter considered as on probation, and will be allowed only the half Staff Salary of the appointment, until they are reported qualified for the duties of the Department, and fit to hold charge of Magazines.

No. 269 *of* 1857.—The following Regimental Orders, issued to the 6th Regiment Oude Irregular Infantry, are confirmed:

Dated 8th January 1857.—Directing all reports and returns to be made to Lieutenant W. B Gordon, who will assume Command of the 6th

Regiment Oude Irregular Infantry, consequent on the transfer of Captain Harding to the Command of the 2nd Regiment of Sikh Infantry.

Dated 9th January 1857.—Directing Lieutenant and Adjutant C M. Parsons to act as Second in Command in addition to his other duties, during the period Lieutenant Gordon remains in Command of the Corps.

No. 270 *of* 1857.—The appointment of Lieutenant J. D. Smith, of the 74th Regiment Native Infantry, to do duty with the 4th Regiment Sikh Infantry, announced in Government General Order No. 168, of the 30th January 1857, is cancelled at the request of that Officer, and his services are accordingly placed at the disposal of His Excellency the Commander-in-Chief.

No. 271 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on Furlough, on private affairs :

Captain Frederick Octavius Salusbury, of the 1st European Bengal Fusiliers ...	For three years, under the old Regulations.

No. 272 *of* 1857.—The under-mentioned gentleman is admitted to the Service, in conformity with his appointment by the Hon'ble the Court of Directors, as a Cadet of Engineers on this Establishment, and promoted to the rank of Second Lieutenant from the date assigned to him in Government General Order No. 1591 of the 23rd December last :

	Date of Arrival at Fort William.
Engineers.	
Mr. Henry Alexander Lindsay Carnegie	13th Feb. 1857.

No. 273 *of* 1857.—The under-mentioned gentlemen are admitted to the Service, in conformity with their appointment by the Hon'ble the Court of Directors, as Cadets of Engineers, Cavalry, and Infantry on this Establishment, and promoted to the rank of Second Lieutenant, Cornet, and Ensign, respectively, leaving the dates of their Commissions for future adjustment :

	Date of Arrival at Fort William.
Engineers	
Mr. Charles Neave Judge ...	13th February 1857.
Cavalry.	
Mr. Walter Frederick Keppel Raleigh	13th February 1857.
Mr. William Fairlie Fergusson	14th February 1857.
Mr. Jardine Scott Robinson ..	
Infantry.	
Mr. James Stuart Oliphant ...	13th February 1857.
Mr. Arthur Donald Butter ...	
Mr. George Dukinfield Astley Younghusband	
Mr. Reymond Hervey de Montmorency	14th February 1857.

No. 274 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment, without prejudice to their rank, by permission of the Hon'ble the Court of Directors :

	Date of Arrival at Bombay.
Captain William Olpherts, of Artillery Lieutenant Toovey Archibald Corbett, of the 61st Regiment Native Infantry Lieutenant Charles Edward Mills, of the 28th Regiment N. I., Major of Brigade, Lahore, on leave for fifteen months, from 17th April 1856	6th Feb. 1857.

No. 275 *of* 1857.—Unposted Ensign Henry Bristow Sanderson is allowed leave of absence, for six months, to visit Madras, on private affairs.

No. 276 *of* 1857.—In conformity with Government General Order No. 144 of 1852, the following Statement of Deposits made in the General Treasury, during the month of January 1857, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the East India Company's Service, is published for general information; and it is hereby notified, that claims to the Estates in question, which shall not be preferred to the Sub-Treasurer by Executors and Administrators, before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money, after that period, will be remitted to, and made payable by, the Hon'ble the Court of Directors only:

Statement of Deposits made at the General Treasury of Fort William, on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the East India Company's Service, in January 1857.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.	Remarks.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Company's Rupees.	Amount remitted for payment in England. Equivalent in Sterling.		
		COMMISSIONED AND WARRANT OFFICERS.													
2nd	James Harris ..	Conductor ..	Ordnance Department ..	....	12th August 1856	Intestate ..	30 0 0	..	30 0 0	..	..	..	..		Left a widow and three children in India.
,,	Edward Cox ..	Assistant Apothecary ..	Subordinate Medical Department, attached to the Meerut Staff Hospital	....	21st September 1856	Will ..	381 15 0	..	381 15 0	..	..	..	..	..	Legatee, Widow Caroline Cox.
7th	George Row Home ..	Ensign ..	49th N. I. ..	....	21st October 1856	Intestate ..	470 7 6	..	470 7 6	..	..	..	..		Father, Major General Richard Home, Colonel of the 43rd Light Infantry, the Parade, Epsom Surrey.
9th	Henry Thomas Sewell ..	Lieutenant ..	Ditto ..	....	8th October 1856	Ditto ..	752 1 0	..	752 1 0	..	..	..	..		Father, Colonel T. Sewell, 25th N. I.
..	W. H. Boutflower ..	Assistant Surgeon ..	Madras Establishment ..	....	Unknown	.....	57 2 4	..	57 2 4	..	..	..	..	..	Next of kin unknown.
14th	Bannatyne William MacLeod, M. D. and C. B. ..	Superintending Surgeon ..	Sirhind Circle ..	....	3rd October 1856	Intestate, Will Invalid. ..	5000 0 0	..	5000 0 0	..	..	..	..	..	Son, Capt. H. C. B. MacLeod, of Bengal Artillery.
17th	George Mytton ..	2nd Lieutenant, A. D. C. to Lieutenant-Governor of Bengal	Artillery ..	....	20th June 1856	Intestate ..	311 13 11	..	* 311 12 11						
20th	David Crawford Warren ..	Lieutenant ..	24th N. I. ..	....	19th October 1856	Ditto ..	813 10 1	..	813 10 1	..	..	..	..	..	Father, the Revd. Robert Warren, Crookstonhouse, Cork, Ireland.
,,	John Nixon Sharp ..	Major .	Engineers ..	....	17th August 1856	Will ..	195 9 8	..	195 9 8	..	..	..	..		Bequeathed to widow Sophia Sharp, with reversion to William Edward and Sophia Sharp.
24th	John Nixon Sharp ..	Ditto ..	Ditto ..	....	17th August 1856	Ditto ..	1200 0 0	..	1200 0 0	..	..	..	..		
28th	Arthur Henry Cole Sewell ..	Captain ..	47th N. I. ..	....	27th October 1856	Intestate ..	2351 14 10	..	2351 14 10	..	..	..	..		Left a widow and three children, proceeded to England to be addressed to the care of Messrs. Smith, Elder and Co., Cornhill, London.
,,	Alfred Wrench ..	Ditto ..	5th Light Cavalry ..	....	22nd July 1856	Ditto ..	1000 0 0	..	1000 0 0	..	..	..	..	..	Widow, Mary Wrench, and children Marian, Alfred, John, Chamberlain, and Maude.
,,	Alexander James Trotter ..	Lieutenant ..	Artillery, doing duty with No. 3 Horse Field Battery, Punjab Force ..	....	(Not communicated)	Will ..	1020 15 7	..	1020 15 7	..	..	..	..	..	Brother, Captain R. A. Trotter, 43rd Light Infantry.

* Also seven G. P. Notes, viz.: No. 6540 of 7197 of 1835-36, .. Co.'s Rs. 1,000; No. 6522 of 1854-55, Public Works Loan .. 500; No. 5907 of .. .. 500; No. 6111 of .. .. 500; No. 4207 of .. .. 500; No. 12163 of .. .. 500; No. 829 of .. .. 500 } Co.'s Rs. 4000

Date of Deposit.	On whose account.	Rank.	Corps.	General Number	Date of Decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.	Remarks.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.			
												In Company's Rupees.	Equivalent in Sterling.		
	COMMISSIONED AND WARRANT OFFICERS.—*(Continued.)*														
29th	Henry Montgomery ..	Lieutenant ..	Artillery and Deputy Commissione., Saugor ..	....	9th September 1856	Intestate ..	9821 14 0	..	9821 14 0						
,,	William Kirby Warner .	Major ..	Horse Artillery ..	....	29th January 1856	Ditto .	14 4 0	..	14 4 0	..	..	..	..		Left a widow and two children.
,,	Henry Charles Dumaresq Anley	Lieutenant ..	33rd N. I. ..	....	10th September 1856	Ditto ..	1 8 0	..	1 8 0	..	..	..	..		Father, Mr. William Anley, Calcutta.
	NON COMMISSIONED OFFICERS AND SOLDIERS.														
8th	John Davidson .	Gunner ..	4th Co 3rd Battn. Arty. .	4771	9th April 1856	Intestate ..	11 0 0	..	11 0 0	..	..	..	..		Sister, Margaret Davidson, Kinross, Scotland.
,,	Robert Wharton .	Bombardier ..	Ditto .	6922	4th September 1856	Ditto ..	11 0 0	..	11 0 0	..	..	..	..		Father, George Wharton, Crodan Down, Ireland
,,	Patrick Carty .	Gunner ..	Ditto :	7398	26th August 1856	Ditto ..	11 0 0	..	11 0 0	..	..	..	..		Sister, Johanna Carty, Upper Shandon, Cork Ireland.
,,	William Couley .	Bombardier ..	Ditto ..	6011	5th September 1856	Ditto ..	11 0 0	..	11 0 0	..	..	..	..		Mother Nancy, (surname not given), Hamilton, Lanark, Scotland
	Henry Hutton .	Gunner .	Ditto ..	3551	26th April 1856	Will ..	11 0 0	..	11 0 0	..	..	..	..		Legatee, sister Martha White, Gillonghan Dorset, Ireland.
,,	Thomas McKay ..	Ditto ..	4th Co 4th Battn Arty. ..	6071	16th August 1856	Ditto .	175 0 4	..	175 0 4	..	..	..	..		Legatee sister Jane McKay, Glasgow, Scotland.
9th	John Langan .	Ditto ..	3rd Tp 2nd Brig. H. Arty	614	16th August 1856	Ditto ..	136 2 9	..	136 2 9	..	..	..	..		Legatee Nephew Richard Langan.
,,	John Boddington .	Ditto ..	4th Co. 6th Battn Arty ..	4730	24th August 1856	Intestate ..	14 15 2	..	14 15 2	..	..	..	..		Next of kin unknown
17th	Robert Wharton ..	Bombardier ..	4th Co. 3rd Battn Arty ..	6922	4th September 1856	Ditto ..	70 5 1	..	70 5 1	..	..	..	..		Father, George Wharton, Crodan Down, Ireland.
21st	Hugh Barrett ..	Corporal ..	3rd Co. 1st Battn Arty .	5219	24th September 1856	Will ..	116 0 4	..	116 0 4	..	..	..	..		Legatee, Father Luke Barrett, Killock, Clonsey, Ireland
,,	John Comber ..	Park Serjeant ..	Arsenal Fort William ..	....	24th March 1856	Ditto ..	477 2 11	..	477 2 11						
22d	Edward Rogers .	Gunner ..	3rd Co. 6th Battn Arty.	7732	30th August 1856	Intestate ..	5 15 5	..	5 15 5	..	..	..	..		Father, Thomas Rogers, Reading, Berkshire
,,	Cornelius O'Connor ..	Ditto ..	Ditto .	5555	28th August 1856	Ditto ..	9 7 2	..	9 7 2	..	..	..	..		Next of kin unknown.
,,	George Dunbar ..	Ditto ..	1st Tp 3rd Brig. H. Arty	8634	17th October 1856	Ditto .	32 10 4	..	32 10 4	..	..	..	..		Father, George Dunbar, Row Nairn, Scotland
,,	Thomas Stenson ..	Serjeant ..	4th Co. 4th Battn Arty. .	6334	26th August 1856	Will ..	300 0 0	..	300 0 0	..	..	..	..		Legacy to John Mahony, infant son of Gunner Charles Mahony, 4th Co. 4th Battalion Artillery
,,	John Nolan ..	Gunner .	3rd Tp. 2nd Brig H. Arty	4273	19th October 1856	Intestate ..	16 1 2	..	16 1 2	..	..	..	..		Next of kin unknown.
,,	John Keating ..	Ditto .	2nd Tp. 2nd Brig H. Arty	8048	22nd October 1856	Will .	26 10 9	..	26 10 9	..	..	..	..		Legatee, Ann Brion, care of Mr. Luke Smith, Irish Town, Athlone, Ireland.
,,	James Martin ..	Corporal ..	4th Co. 4th Battn. Arty .	6171	20th October 1856	Ditto ..	65 9 9	..	65 9 9	..	..	..	..		Legatee, Father James Martin Bells, close Murray Gate, Dundee.
,,	James Flanagan ..	Ditto ..	2nd Co. 4th Battn. Arty	6627	17th August 1856	Ditto ..	137 10 8	..	137 10 8	..	..	..	..		Legatee, Daughter Anne Flanagan, Lawrence Asylum
,,	Joseph Saunders ..	Bombardier .	Ditto ..	6509	24th June 1856	Intestate ..	42 6 9	..	42 6 9	..	..	..	..		Brother, James Saunders, Corporal, 2nd Co. 4th Battalion Artillery
,,	Patrick Barrett ..	Ditto ..	1st Co. 1st Battalion Arty	1119	28th August 1856	Will ..	300 0 0	..	300 0 0	..	..	..	..		Legacy to sister Bridget Trawley, Dysart, Shaner Golden, Limerick, Ireland.
,,	Henry Button ..	Gunner ..	1st Co. 4th Battn. Arty	7623	16th August 1856	Ditto .	11 15 10	..	11 15 10	.	..	..	..		Legacy to William Williams, Lawrence Asylum
,,	Michael O'Callaghan ..	Serjeant ..	3rd Co. 4th Battn. Arty.	5353	16th August 1856	Intestate .	71 3 11	..	71 3 11	..	..	..	..		Daughter, Mary O'Callaghan, a minor.
,,	John Buckley ..	Gunner ..	Ditto ..	7676	14th August 1856	Will .	13 0 7	..	13 0 7	..	..	..	..		Legatee daughter Mary Anu Buckley.
,,	Michael Skeehan ..	Serjeant, Assistant Overseer	Artillery, Dept. P. Works, Lahore ..	Not given	16th August 1856	Ditto .	160 10 8	..	160 10 8	..		..	..		Legatees, Widow and Son, Anne O'Grady and Thomas O'Grady Skeehan
23rd	James O'Donnell ..	Invalid, Private ..	1st Eur Bengal Fusiliers	2408	4th November 1856	Ditto .	58 0 8	..	58 0 8	..	..	..	..		Left a Will in favor of his mother, Anne Noonan O'Donnell, of Kilnoallock, County of Limerick, Ireland.

NON-COMMISSIONED OFFICERS AND SOLDIERS.—(*Continued.*)

23rd	John Webster	Gunner	2nd Tp. 2nd Brig. H. Arty.	771	14th October	1856	Intestate	0 12 4	..	0 12 4	..	..	..	..	Next of kin unknown.
"	Donald Sutherland	Ditto	Ditto	5392	27th June	1856	Ditto	39 0 3	..	39 0 3	..	..	..	..	Father, (name not given), Inverness Scotland
"	Robert McCormick	Ditto	3rd Co, 6th Battn Arty.	5534	23rd August	1856	Will	611 3 5	..	611 3 5	..	..	..	..	Legacy to father and mother George and Elizabeth McCormick, Newtown, Hamilton, Armagh, Ireland
27th	Thomas Fitz Patrick	Ditto	2nd Co. 5th Battn. Arty.	2066	6th November	1854	Intestate	65 15 6	..	65 15 6	..	..	..	..	Left a widow, Louisa Shanon, and a step-child, Georgiana Carr, both residing at Dum-Dum.
"	George Shanon	Ditto	Ditto	6088	30th October	1856	Ditto	14 8 6	..	14 8 6	..	..	..	..	
29th	George Munro	Ditto	2nd Co 4th Battn. Arty	5205	14th August	1856	Will	54 7 9	..	54 7 9	..	..	..	..	Legatee, mother Jane Potter, in the Lawrence Asylum.
"	John Crowley	Private	2nd Eur. Bengal Fusiliers	1329	21st August	1855	Ditto	4 12 3	..	4 12 3	..	..	..	..	Legatee, mother Johanna Crowley, Blarney Cork, Ireland.
					Company's Rupees			26510 0 9		26510 0 9					

E. E.
J. I. HARVEY,
Sub-Treasurer.

FORT WILLAIM;
General Treasury,
The 31st January 1857.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India, in the Mily. Dept.

Notice.

THE General Treasury will be closed on Monday, the 23rd instant, on account of the Hindoo Holiday, Sheebo Rattree.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 10th February 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, half a Second (½s.) after Mean Noon.

FORT WILLIAM,
The 13th February 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River from the Semaphore Tower in the Fort, One-and-half Seconds (1½ s.) before Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.,*
Town Major.

FORT WILLIAM,
The 16th February 1857.

SEALED TENDERS will be received by the Civil Architect, in his Office, in Calcutta, No. 42, Park Street, up to 4 P. M., on Wednesday, 25th February 1857, for the purchase and removal of the materials composing the Old Guard-House and part of the Cook Rooms attached to the General Treasury at Calcutta.

Time for Execution (3) three weeks.

The Sketch of the Building can be seen, and further information obtained, on personal application, at the Civil Architect's Office.

A deposit in Cash of (200) Two Hundred Rupees is required with each Tender, returnable on rejection of Tender, or after completion of the Contract, or in the event of non fulfilment within the stated time, to be at the disposal of the Civil Architect to cover expenses in completing the removal of the materials and rubbish.

C. B. YOUNG, *Captain,*
Civil Architect.

Ecclesiastical.

CONFIRMATION.

THE Confirmation, notice of which was given, to be held at the Cathedral, on Wednesday, the 17th December last, but postponed in consequence of the illness of the Bishop, will now take place, with the Divine permission, at Saint Paul's Cathedral, on Tuesday, the 10th day of March next.

Divine Service to commence at 10 o'clock.

The Confirmation for Natives, fixed for the 19th of December last, but also postponed for the reason assigned, will now take place at the Cathedral, on Friday, the 13th day of March next.

The Service to commence at 10 o'clock.

By desire of the Lord Bishop. Dated at Calcutta, this 16th day of February 1857.

WM. HY. ABBOTT,
Registrar and Secretary.

Advertisement of the Soonderbun Commissioner's Office.

NOTICE is hereby given, that the under-mentioned Lots, situated within the limits of the Backergunge and Jessore portions of the Soonderbuns, will be sold at the Station of Burrisaul, by the Soonderbun Commissioner, on Friday, the 20th day of February 1857, corresponding with the 10th Falgoon 1263.

2. The highest bidder will be entitled to the Lots, on depositing, immediately after the Sale, the full amount of his Purchase-money, on condition that the Sale is sanctioned by the higher Authorities; otherwise the money will be refunded to the party without interest. On confirmation of the Sale, the Pottah will be drawn up in the name of the Purchaser, under orders of the Government of the 24th September 1853, and will be made over to him after registry at the Office of the Board of Revenue, Lower Provinces; and the Purchaser will become the grantee of the lands under the conditions prescribed in the Pottah, save and except such lands as may be required by Government for the manufacture of Salt.

3. It is further notified, that intending Purchasers, who are desirous to inspect the Map of the Lots, or to obtain any information connected with them, and their present condition, can learn the same by attending either personally, or through their Agents, at the Office of the Commissioner of the Soonderbunds at Burrisaul.

No. of Lot.	Estimated Quantity of Land in Beegahs.	Remarks.
Jessore portion of the Soonderbuns.		
241	5414	These Lands are situated to the South of Tateeboneah, on the Kurmah River.
242	25894	Ditto ditto ditto.
243	4840	On the Bholah River.
244	13733	On the Chechan River.
245	11797	On the Sêllah River.
246	13701	Near the Bholah River.
247	10666	On the Pussur River.
248	11909	To the West of Lot 247.
249	7441	To the West of Lot 248.
250	12183	To the South of Lots 248 and 249.
251	16728	To the West of Sêllah River.
Backergunge portion of the Soonderbuns.		
Nos. 4 and 5 of Khauleah, Burrisaul	69772	The boundaries of these two Lots have been readjusted, so as to give both a River facing on the Bulissur River. A Map showing their respective boundaries may be seen at the Commissioner's Office. The two Lots will be sold separately, their respective arrears will be notified on the day of Sale. The cultivated portions of these Lots to be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 6 of Khauleah, Burrisaul ...	36995	The cultivated portions of these Lots will be included in the Grant, after assessment under Rule 4 of the Government Orders of the 24th September 1853.
No. 7 of Khauleah, Burrisaul ...	47150	On the Bulissur River.
Panchakaraleah, on the Ilah River ...	6760	The cultivated portions of this Lot will be included in the Grant after assessment, under Rule 4 of the Government Orders of the 24th September 1853.
Chando Khallee East of above Lot	8120	Ditto.
Rochoopatra, West of above Lot ...	10820	On the Neelgunge River.

J. H. Reily,
Commissioner of Soonderbuns.

Soonderbun Commissioner's Office;
Burrisaul,
The 26th January, 1857.

সুন্দরবনের কমিশ্যনরের দপ্তরখানার ইস্তেহার।

ইহার দ্বারায় সর্ব্বসাধারণ জ্ঞাত করা যাইতেছে যে মহামান্য শদর বোর্ডের আদেশমতে জেলা জশর ও বাকরগঞ্জের অধিন সুন্দরবন সংক্রান্ত নিম্নের লিখিত লাটহায়ের পাট্টা জেলা বাকরগঞ্জের বরিসাল মোকামে সুন্দরবন কমিশ্যনরের বৈঠকে ইংরাজী সন ১৮৫৭ সালের ২০ ফিব্রুআরি মোতাবেক সন ১২৬৩ সালের ১০ ফালগুণ শুক্রবার বেলা দুই প্রহরের সময় নীলাম হইবেক যে অতি উচ্চ মূল্যে ডাকে তিনি লাট পাইবেন তৎক্ষণাৎ খরিদের সমুদয় মূল্য কমিশ্যনরকে দিতে হইবেক পরে গবর্ণমেণ্টের সন ১৮৫৩ সালের ২৪ সেপ্তম্বর দিবসীয় কলাইজাই পাট্টা তাহার নামে প্রস্তুত হইয়া শদর বোর্ড রেবিনিউর মঞ্জুরিমতে তাহাকে দেওয়া যাইবেক এবং শরকারের কারণ প্রস্তুত জন্য ঐ লাটহায়ের মধ্যের কিছু জমি লওয়ার প্রয়োজন হইলে তাহা ছাড়িয়া দিবার নিয়ম পাট্টায় লেখা যাইবেক পরন্তু খরিদার মজকুর ঐ পাট্টার লিখিত নিয়মানুসারে জমিতে দখলকার হইয়া রাজস্য আদায় করিবেক এবং আরো জানান যাইতেছে যে খরিদাকাঙ্খিত ব্যক্তিগণ কেহ ঐ জমির নক্শা দেখিতে চাহিলে স্বয়ং কিম্বা মোক্তারের দ্বারায় কমিশ্যনরের উক্ত মোকামের বৈঠকে যাইয়া দেখিতে পারেন এবং নীলামের অপর বেওরা নীলামের সময় প্রকাশ করা যাইবেক আর যদিস্যাৎ এই নীলাম বোর্ড রেবিনিউর হজুরে মঞ্জুর না হয় তবে খরিদার পোনের টাকা বিনা শুদে ফেরত পাইবেক ইতি সন ১৮৫৭ সাল তারিখ ২৪ জানুআরি মোং বাঙ্গলা ১২৬৩ সাল ১২ মাঘ।

লাটের নম্বর ও নাম	আন্দাজি জঙ্গল জমী	কৈফিয়ৎ
জেলা জশরের মোতালক		
২৪১ নং	৫৪১৪/০	টাটী বুনিয়ার দক্ষিণ খড়মা নদীর কেনারা
২৪২ নং	২৫৮৯৪/০	ঐ
২৪৩ নং	৪৮৪০/০	ভোলা নদীর নিকট
২৪৪ নং	১০৭৩৩/০	চেচান নদীর ধারে
২৪৫ নং	১১৭৯৭/০	সেলা নদীর ধারে
২৪৬ নং	১৩৭০১/০	ভোলা নদীব নিকট
২৪৭ নং	১০৬৬৬/০	পশর নদীর নিকট
২৪৮ নং	১১৯০৯/০	উক্ত লাটের পশ্চিমে
২৪৯ নং	৭৪৪১/০	ঐ লাটের পশ্চিমে
২৫০ নং	১২১৮৩/০	২৪৮ নং ও ২৪৯ নং লাটের দক্ষিণ
২৫১ নং	১৬৭২৮/০	সেলা নদীর পশ্চিমে
জেলা বাকরগঞ্জের মোতালক		
চক্ খাউনিয়া বরিসালের ৪।৫ নং	৬৯৭৭২/০	এই দুই লাটের সাবেক সীমানা বদল করিয়া নূতন সীমানা দেওয়া এইরূপে গীয়াছে যে দুই লাটের ভূমীই বলেশ্বর নদীর কেনারায় পতন হইয়াছে ঐ দুই লাটের পৃথক২ ভূমীর ও সীমানার নিরাকরণ নীলামের সময় সকল খরিদারানকে জ্ঞাত করাণ যাইবেক এবং ইহার মধ্যে যে জমী হাসীল আছে তাহা সন ১৮৫৩ সালের ২৪ সেপ্তম্বর তারিখের আইনের ৪ বিধিমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামিল করা যাইবেক।
ঐ ৬ নং	৩৬৯৯৫/০	বলেশ্বর নদীর ধারে ইহার হাসীল জমী উপরের লিখিত কলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সা মল করা যাইবেক।
ঐ ৭ নং	৪৭১৫০/০	বলেশ্বর নদীর ধারে।
পচা কোড়ালিয়া	৬৭৬০/০	আয়েনা নদীর ধার ইহার হাসীল ভূমী উপবের লিখিত কলমতে বন্দোবস্ত হইলে খরিদারের পাট্টার সামীল করা যাইবেক।
চান্দখালি	৮১২০/০	ঐ চকের পূর্ব্ব দিগ ঐ কৈফিয়ৎ।
কচু পাতড়া	১০৮২০/০	ঐ লাটের পূর্ব্ব নীলগঞ্জ নদীর ধারে ঐ কৈফিয়ৎ।

For Dacca and Assam.

THE Steamer *Thames*, with the Flat *Goomtee* in tow, will be despatched about the 20th instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

(Signed) J. WOODLEY,
Clerk of the Govt. Boat Office.

The 7th February 1857.

Notice.

CERTAIN EFFECTS, belonging to the Estate of the late Mr. Matthew Herring, are under the Seal of this Court, and will, after deducting the necessary expenses, be delivered up to any person duly authorized to receive the same.

M. SHAWE,
Offg. Judge.

Notice.

REQUIRED in the Office of the Commissioners of Chota Nagpore, a European Jailor, capable of conducting the duties of the *Penitentiary* or Agency Jail at Hazaribagh. Salary 100 Rs. per mensem. Unexceptionable Security to the extent of Rs. 1,500 necessary; a Commission on Sales of Manufactures is also at present allowed to the incumbent.

T. SIMPSON,
Pl. Asst. Comr. of Hazaribagh.

PL. ASST. COMMR.'S OFFICE,
Hazaribagh Division,
The 9th February 1857.

Court for the relief of Insolvent Debtors at Calcutta.

In the matter of Radachurn Mullick, of Ghootea Bazar, in the District of Hooghly, and also late of Old China Bazar, in Calcutta, dealer in Gold and Silver, and Money-changer, but at present of Amratollah Lane, in Calcutta, out of business, an Insolvent.

On Monday, the 9th day of February Instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Paul and Carruthers, *Attorneys.*

In the matter of Conny-loll Sadoo, of Siboo Takoor's Lane, in Burra Bazar, in Calcutta, an Assistant in the India Bullock Train Dawk Company, an Insolvent.

On Tuesday, the 10th day of February Instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Gillanders, *Attorney.*

In the matter of John Gore, of Collingah, in Calcutta, a Clerk in the service of the East India Railway Company, an Insolvent.

On Tuesday, the 10th day of February Instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Sherrington, *Attorney.*

Chief Clerk's Office, 13th February 1857.

In the matter of the Asiatic Marine Insurance Office, being a Joint Stock Company, duly registered under an Act for the regulation of Registered Joint Stock Companies, adjudged to have committed an act of forfeiture, pursuant to the provisions of the Act No. XLIII. of 1850, passed by the Hon'ble the President of the Council of India in Council, on the 27th December 1850, entitled an Act for the regulation of Registered Joint Stock Companies.

On Saturday, the 7th day of February instant, it was ordered, that such of the Shareholders of the said Asiatic Marine Insurance Office resident in Calcutta or the suburbs thereof, as have neglected to pay the sum of Company's Rupees 2,000, at which they have been respectively further assessed by the Official Assignee of this Court, in respect of each share held by them respectively, in the said Company, do, on or before the 10th day of March next, pay to the said Official Assignee the said sum of Company's Rupees 2,0 0, to which they have been respectively assessed in respect of each share, or so much thereof as still remains unpaid; and that the Shareholders of the Asiatic Marine Insurance Office resident in Hong-Kong and in Bombay do, on or before the 10th day of May next, and that the Shareholders of the said Asiatic Marine Insurance Office resident in the Mauritius and in Great Britain, and all other places not herein Especifically mentioned, do, on or before the 10th day of September next, pay to the said Official Assignee the respective sums at which they have been respectively assessed, in respect of the shares held by them respectively in the said Asiatic Marine Insurance Office; and that in case any of the Shareholders of the said Asiatic Marine Insurance Office shall neglect to comply with the order, within the time hereby limited, the said Official Assignee shall be at liberty to apply to this Court that such defaulting Shareholders may be adjudged to have committed an act of Insolvency according to the provisions of the act No. XLIII. of 1850, passed by the Honorable the President of the Council of India in Council, on the 27th day of December 1850, entitled "an Act for the regulation of Registered Joint Stock Companies."

Denman, Hatch, and Davis, *Attorneys.*

In the several matters of John Hawkin Cockburn and Charles Frith Dumoulin, Insolvents.

On Saturday, the 7th day of February instant, it was ordered, upon the application of the Official Assignee, that an account of Unclaimed Dividends in the above matter should be received and filed in the Office of the Chief Clerk of this Court.

J. Cochrane, *Official Assignee.*

In the matter of William Martin and another, Insolvents. } On Saturday, the 7th day of February instant, it was ordered, upon the application of the Official Assignee, that an account of Unclaimed Dividends in the above matter should be received and filed in the Office of the Chief Clerk of this Court.

J. Cochrane, *Official Assignee.*

In the matter of John Mackay, an Insolvent. } On Saturday, the 7th day of February instant, it was ordered, that the order made in this matter on the 3rd day of December 1853, should be further enlarged, and the further hearing of this matter should stand adjourned until Saturday, the 7th day of March next.

Allan and Judge, *Attorneys.*

In the matter of Arrathoon Hyrapiet Arrathoon, an Insolvent. } On Saturday, the 10th day of January last, it was ordered, that John Cochrane, Esquire, the Official Assignee, and the Assignee of the Estate and Effects of the said Insolvent, do proceed to declare a Dividend in this matter, and that a sum sufficient to answer all Dividends in the sum of Co.'s Rs. 3,54,740-5-11 be set apart and not paid over as Dividend or otherwise, until the appeal to Her Majesty in Council is determined, or until the further order of this Court.

Paul, *Attorney.*

In the matter of Joygopaul Chatterjee, of Seebpore, in the District of the 24-Pergunnahs, an Accountant, an Insolvent. } On Friday, the 13th day of February instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

C. B. DeVerinne, *Attorney.*

In the matter of Joygopaul Chatterjee, of Seebpore, in the District of the 24-Pergunnahs, an Accountant, an Insolvent. } Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI. was filed in the Office of the Chief Clerk, on the 13th day of February instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

C. B. DeVerinne, *Attorney.*

In the matter of Joygopaul Chatterjee, of Seebpore, in the District of the 24-Pergunnahs, an Accountant an Insolvent. } Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 24th day of February instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*

C. B. DeVerinne, *Attorney.*

In the matter of Nowrojee Nusserwanjee, of Doomtollah, in Calcutta, formerly Manager of the business of Messrs. D. F. Cama and Co., carried on at Shanghai, as Merchants and Agents, afterwards Manager of the same party's house of business at Calcutta, and lately carrying on business in co-partnership with Nowrojee Pestonjee, Cowerjee Boniunjee and Dadabhoy Furdenjee, as Merchants and Agents, under the style of Nusserwanjee & Co., at the same place, a Trader, an Insolvent. } Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 13th day of February instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Robertson, *Attorney.*

In the matter of Nowrojee Nusserwanjee, of Doomtollah, in Calcutta, formerly Manager of the business of Messrs. D. F. Cama and Co., carried on at Shanghai, as Merchants and Agents, afterwards Manager of the same party's house of business at Calcutta, and lately carrying on business in co-partnership with Nowrojee Pestonjee, Cowerjee Bomunjee and Dadabhoy Furdenjee, as Merchants and Agents, under the style of Nusserwanjee and Co., at the same place, a Trader, an Insolvent. } On Friday, the 13th day of February instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Robertson, *Attorney.*

Chief Clerk's Office, 16*th February* 1857.

In the matter of Edward Andrew Martin, of Coppalitollah Street, in Calcutta, a Section Writer in the Home Department, an Insolvent. } Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 24th day of February instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, "desirous of opposing such application, must appear before the said Court at the time and "place aforesaid.*"

Insolvent in person.

Chief Clerk's Office, 17*th February* 1857.

INSOLVENT COURT.

ASSIGNEE'S OFFICE NOTICE.

Pursuant to Act No XXVII. of 1841.

NOTICE is hereby given, that in the event of no claim being established to the unclaimed Dividends hereunder mentioned within twelve months from this date, such Dividends will be distributed among such of the Creditors of the under-mentioned Insolvent Estates as shall have established their claims against such Estate respectively :—

ESTATE OF KONNOOLAUL AND OTHERS

Names and descriptions as contained in the Schedule of the parties in respect of whose claims such Dividends are reserved.	Amount of Claims as per Schedule, Sa. Rs.	Amount of 2nd Dividend at 1 Re. 13 As. per 100.	Whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued.
Scheerabsook ...	7758 10 3	140 10 0	Proved.
Ramseebuck and Juddoo Mindun Missers	2917 3 9	52 14 0	Not proved.
Ragoo Baboo Bhatteah ...	6478 13 3	117 6 11	Ditto.
Golaum Mahomed and Hadjie Sonawoollah	979 15 0	17 2 2	Proved.
Neamuttallah ...	501 10 9	9 1 6	Ditto.
Augur Chund Kotaree ...	14576 11 0	264 3 3	Ditto.
Needeelall ...	676 13 0	12 4 4	Not proved.
Brijomohun Poddar's Estate, ...	204 5 0	3 11 3	Ditto.
Budden Chaund Paul and Tilluck Chund Mozemdar	1013 10 0	18 5 11	Proved.
Numia Raur and Chooah Raur ...	169 12 0	3 1 5	Not proved.
Bhojokistno Mullick ...	934 3 3	16 14 10	Proved
Shah Beharylall and Rogooburdial ..	7800 12 0	141 6 1	Ditto.
Agur Chund Kotaree ...	2100 0 0	38 1 0	Ditto.
Shaik Neela Nubhay ...	2500 0 0	45 5 0	Not proved.
Poonayroo Ahya Somey Moodayloo Yeroo ...	100 0 0	1 13 0	Ditto.
Possaul Tammanah ...	600 0 0	10 14 0	Ditto.
Chilmul Saitee Veeranah ...	800 0 0	14 8 0	Ditto.
Shaik Durvaish ...	33 9 6	0 9 9	Ditto.
Goopee Dutt ...	162 13 6	2 15 2	Proved.
Ramjee Doss ..	516 0 0	9 5 8	Ditto.
Gopaul Doss ...	40 0 0	0 11 7	Not proved.
Hungsorauj ...	100 0 0	1 13 0	Ditto.
Siboo Ghose ...	50 0 0	0 14 6	Ditto
Beebee Motee Khanum Exix. of Mr. Gillanders	340 8 0	6 2 9	Proved.
George Hudson ...	10 0 0	0 2 11	Ditto.
Prittram Mutterwallah ...	250 0 0	4 8 6	Not proved.
Chillmul Saitee Ramas Samee ...	2000 0 0	36 4 0	Ditto.
Balmokund Doss and Bullub Doss ...	150 0 0	2 11 6	Ditto.
Munnaram Soome Saitee ...	81 9 0	1 7 8	Ditto.
Goluck Abcoondoo ...	15 3 0	0 4 5	Ditto.
Banspoo Shaha, Birjalall Shaha ...	100 0 0	1 13 0	Ditto.
Kinsooree Soranunah ...	64 9 0	1 2 8	Ditto.
Bunkutty Doss and Ameerchaund ...	11 5 6	0 3 3	Ditto.
Munnee Coondoo Jugnehay Cooloo ...	200 0 0	3 10 0	Ditto.
Raid Rout Kistno Samee ...	149 10 3	2 11 5	Ditto.
Aun Jugger Natham ...	35 1 9	0 10 2	Ditto.
Baiddah Bhaddia Chullum ...	13 7 9	0 3 11	Ditto.
Gworoorah Ramah Aukot Roy Cooloo ...	100 0 0	1 13 0	Ditto.
Gurroorah Ram Beermur ...	225 0 0	4 1 3	Ditto.
Gurroorah Triputty Mursayah, ...	300 0 0	5 7 0	Ditto.
Gurroorah Triputty Jugnay Cooloo ...	90 0 0	1 10 1	Ditto.
Gurroorah Jugnayhay Cooloo ...	500 0 0	9 1 0	Ditto.
Guaddur Saha ...	300 0 0	5 7 0	Ditto
Daby Dyal Misser ...	43 3 9	0 12 7	Ditto.
Nundololl Syloll ...	198 8 6	3 9 8	Ditto.

Names and descriptions as contained in the Schedule of the parties in respect of whose claims such Dividends are reserved.	Amount of Claims as per Schedule, Sa. Rs.	Amount of 2nd Dividend at 1 Re 13 As. per 100.	Whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued.
Hurkissen Dass and Hurgobind Dass, ...	308 12 0	5 9 6	Not proved.
John Atkinson, Agent for Salt Contract, ...	200 0 0	3 10 0	Ditto
Kotah Coondoo Jugtosh, ...	250 0 0	4 8 6	Ditto.
Abeer Chund Soorujmull, ...	2000 0 0	38 1 0	Proved.

ESTATE OF FREDERICK REGENT ELLIS.

	Claim Sa. Rs.	2nd Dividend at 13 per Cent.	
Amirtha ...	12 0 0	1 8 11	Not proved.
Breromottee ...	1 8 0	0 3 2	Ditto.
Biddee ...	2 8 0	0 5 2	Ditto.
Bowaney ...	84 0 0	10 14 9	Ditto.
Burkinyoung and Company .	10 8 0	1 5 10	Proved.
Dhunneeram ...	12 6 0	1 9 9	Not proved.
Govind Chunder Ghose ...	25 8 9	3 5 1	Ditto.
Gokool ...	3 0 0	0 6 3	Ditto.
Golaub ...	12 0 0	1 8 11	Ditto.
Greenway and Company ...	24 0 0	3 1 11	Proved.
Gunter and Hooper ...	16 0 0	2 1 4	Ditto.
Gibson and Company ...	162 0 0	21 0 11	Ditto.
Mr. Jacques ..	150 5 8	20 3 5	Not proved.
D. Johnstone ...	18 0 0	2 5 5	Ditto.
Jeeun Loll ...	31 10 0	4 1 9	Ditto.
Mr. Jones	16 0 0	2 1 4	Ditto.
Kooseal ...	15 0 0	1 15 2	Ditto.
Kulloo ...	15 0 0	1 15 2	Ditto.
Mr. Lamb ...	44 11 0	5 12 11	Ditto.
Laloo ...	100 12 0	13 1 7	Ditto.
Ludho ...	10 8 0	1 5 10	Ditto.
Ludhea ...	12 0 0	1 8 11	Ditto.
Mackeller and Company ...	452 8 0	58 13 2	Proved.
Matterdeen ...	7 0 0	0 14 7	Not proved.
Munroo and Company ...	94 [illegible]	12 3 6	Proved.
Mr Mollnish ...	18 0 0	2 5 5	Not proved.
Nuckebude ...	13 4 0	1 11 8	Ditto.
Nuckehade ...	12 0 0	1 8 11	Ditto.
Ooloss ...	7 0 0	0 14 7	Ditto
T. Ostell ...	12 0 0	1 8 11	Proved.
Ramdial ...	3 0 0	0 6 3	Not proved.
Ramdeen ...	6 0 0	0 12 6	Ditto.
Radamohun Pyne ...	18 0 0	2 5 5	Ditto.
Sillac Ram ...	43 0 0	5 9 5	Ditto.
Silla Bux ...	12 4 0	1 9 5	Ditto.
Seengolam ...	6 5 0	0 13 2	Ditto.
Sookha ...	22 0 0	2 13 9	Ditto.
Samuel Smith and Company ...	18 0 0	2 5 5	Proved.
Torab ...	4 4 0	0 8 10	Not proved.

ESTATE OF JAMES CULLEN.

	Claim, Sa. Rs.	3rd Dividend at 8¾ per Cent.	
R. W. G. Frith, Atty. of G. Scott, Executor	9207 8 0	805 10 6	Not proved.

Estate of M. Chardon.

	Claim Co.'s Rs.	1st Dividend at 7 per Cent.	
Beersaloll Shaw ...	5054 8 2	353 13 1	Not Proved
Coseenauth Day ...	72 12 0	5 1 6	Ditto.
Gowry Doss ...	2293 15 7	160 9 3	Ditto.
Hollodhur Dutt ...	23 4 0	1 10 1	Ditto.
Jeehary Loll ...	4473 5 4	313 2 2	Ditto.
N. E. Kuhu ...	19 0 0	1 5 3	Ditto.
J. Lowe ...	155 0 0	10 13 7	Ditto.
Moteeloll Seal ...	414 0 0	28 15 8	Ditto.
William Moran ...	185 0 0	12 15 2	Ditto.
Mackenzie, Lyall and Co. ...	15 0 0	1 0 10	Ditto.
H. C. Kemp ...	480 0 0	33 9 7	Ditto.
T. Lackersteen ...	16 5 0	1 2 3	Ditto.

Estate of Charles Trower.

	Claim Co.'s Rs.	1st Dividend at 2 per Cent.	
Beeroo Saha, of Calcutta, Shop-keeper ...	200 0 0	4 0 0	Not Proved.
Bissonath Doss, of Balloor, writer ...	110 0 0	2 3 2	Ditto.
Bussoroodie Chowdry, of Calcutta, Moonshee	300 0 0	6 0 0	Ditto.
Cossissur Mustofee, of Burdwan, Zemindar ...	2000 0 0	40 0 0	Ditto.
Cook and Co., of Calcutta, Stable-keepers ...	200 0 0	4 0 0	Ditto.
Cosseenath Bonnerjee, of Penhatty, Banian	1066 10 8	21 5 4	Proved.
Dabee Das Balmokind, of Calcutta, Banker	2000 0 0	40 0 0	Ditto.
Doorgachurn Dutt, of Calcutta, Banian ...	300 0 0	6 0 0	Not proved.
Doorgadas Bhattacharee, of Cally Ghât ...	200 0 0	4 0 0	Ditto.
Fakerchund Chuckerbutty, of Calcutta, Banian ...	500 0 0	10 0 0	Ditto.
Guddadhur Mitter, of Sealdah, Banian ...	200 0 0	4 0 0	Ditto.
Gorachund Mitter, of Penhatty, Banian ...	1000 0 0	20 0 0	Ditto.
Horaloll Soor, of Calcutta. Writer ...	150 0 0	3 0 0	Ditto.
Herraloll Bysack, of Calcutta, Writer ...	1000 0 0	20 0 0	Ditto.
Hollodhur Doss, of Calcutta. Merchant ...	1763 8 9	35 4 4	Proved.
Hurrish Chunder Ghosal, of Calcutta, Writer	1500 0 0	30 0 0	Not proved.
Jhoroo Sircar, of Calcutta, Shop-keeper	150 0 0	3 0 0	Ditto.
Juggoo Bysack, of Calcutta. Writer ...	200 0 0	4 0 0	Ditto.
Issur Chunder Takoor, of Calcutta, Writer ...	100 0 0	2 0 0	Ditto.
Moneeram Sircar, of Calcutta ...	239 0 0	4 12 5	Ditto.
Macintyre and Co., of Calcutta, Merchants...	674 6 8	13 7 10	Ditto.
Modoo Soodun Mitter, of Calcutta, Banian	750 0 0	15 0 0	Ditto.
Nocoor Chund Sett, of Calcutta, Sircar ...	200 0 0	4 0 0	Ditto.
Rajnarain Roy, Rajah of Andool ...	3000 0 0	60 0 0	Proved.
Rammashur, Ghose, of Calcutta, Shop-keeper	57 0 0	1 2 3	Not proved.
Romanauth Gurgo, Rajah of Tumlook ...	1600 0 0	32 0 0	Ditto.
Ram Gopaul Sein, of Calcutta, Banian ...	200 0 0	4 0 0	Ditto.
Ramchunder Ghose, of Calcutta, Writer ...	100 0 0	2 0 0	Ditto.
Soroop Chunder Dutt, of Calcutta, Shop-keeper ...	700 0 0	14 0 0	Ditto.
Syed Abdool Mujeed, of Hooghly ...	1400 0 0	28 0 0	Ditto.
Sumbhoo Chunder Sircar, of Sibpore, Sircar	618 10 8	12 5 11	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Sircar	200 0 0	4 0 0	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Writer	200 0 0	4 0 0	Ditto.
Soorjee Coomar Sett, of Calcutta, Sircar .	150 0 0	3 0 0	Ditto.
Takoor Doss Mistry, in 24-Pergunnahs ...	350 0 0	7 0 0	Ditto.
Modoosoodun Ghose, in 24-Pergunnahs ...	200 0 0	4 0 0	Ditto.

Estate of J. L. M. Beaumont.

	Claim Co.'s Rs.	1st Dividend at 12 per Cent.	
Abdool Curreem, of Cawnpore ...	47 0 0	5 10 2	Not proved.
Agra Press, of Agra ...	200 0 0	24 0 0	Ditto.
Basaisa, of Cawnpore ...	40 0 0	4 12 10	Ditto.
Bindabun Mullick, of Allahabad ...	33 12 0	4 0 9	Ditto.
Dalamull, of Cawnpore ...	650 12 0	78 1 5	Ditto.
Lieut. R. Douglas, H. M. 16th Foot, Cawnpore	22 0 0	2 10 3	Ditto.
Mr. D'Costa, of Entally, Calcutta ...	360 0 0	43 3 2	Ditto.
Gungapersaud, of Cawnpore ...	496 3 0	59 8 7	Ditto.
Gunnasy, of Cawnpore ..	40 0 0	4 12 10	Ditto.
Narain Doss, of Cawnpore ...	22 0 0	2 10 3	Ditto.
Peerbux, of Cawnpore ...	16 0 0	1 14 8	Ditto
Rajkissore of Cawnpore ...	8 0 0	0 15 5	Ditto.

Estate of Michael Schlatter.

	Claim Co.'s Rs.	1st Dividend at 7½ per Cent.	
J. C. Abbott, of Baushbariah, Indigo Planter	43 1 6	3 3 9	Not proved.
Boyd and Co., Secretaries, Commercial Insurance Company ...	2233 13 0	167 8 7	Ditto.
A. H. Sein, of Calcutta, Accountant ..	1875 0 0	140 10 0	Ditto.
Brigadier Tombs ...	1250 0 0	93 12 0	Ditto.
Gavin Young ...	1093 12 0	82 0 6	Ditto.
Macaire and Co, of Constance, in Germany	109 6 10	8 3 4	Ditto.
Captain John Seager, of Calcutta, Mariner	522 7 7	39 3 0	Ditto.
Captain James Ricket ...	378 6 3	28 6 0	Ditto.
Pasquale Banner and Co., of Florence ...	31 1 0	2 5 3	Ditto.
Gordon and Sons, of London ...	350 0 0	26 4 0	Ditto.
Captain Macfarlane, for the Barque *Indus* ...	3751 14 6	281 6 3	Ditto.
Captain Macfarlane, for ditto ...	238 8 0	17 14 2	Ditto.
Captain Stavers, Master, Barque *Cowasjee Family* ...	1142 13 8	85 11 5	Ditto.
Captain Stavers, Master ditto ...	50 0 0	3 12 0	Ditto.
Peter Bonnaud, of Calcutta, Merchant ...	279 12 2	20 15 9	Ditto.
E. J. Smith ...	5714 4 7	428 9 2	Ditto.
Major W. Grant ...	1142 13 8	85 11 5	Ditto.
Hansen and Co., of England ...	800 0 0	60 0 0	Ditto.
Estate of Captain R. Pyne ...	1788 8 3	184 2 3	Ditto.
G. W. Duncan, of Calcutta ...	250 2 8	18 15 0	Ditto.
Cosseenauth Chatterjee, Sircar ...	25 0 0	1 14 0	Ditto.
Hurry Sing, Durwan ...	10 0 0	0 12 0	Ditto.

Estate of W. H. Gilbert.

	Claim Co.'s Rs.	1st Dividend at 12 per Cent.	
Budden Chunder Sircar ...	2 8 0	0 4 10	Not proved.
Gunganarain Mullick and Co., Old China Bazar ...	50 0 0	6 0 0	Ditto.
Helasseeloll and Company ...	115 0 0	13 12 10	Ditto.
Roy Churn, Leatherman ...	15 0 0	1 12 10	Ditto.

Estate of C. L. Edwards.

	Claim Co.'s Rs.	1st Dividend at 20 per Cent.	
Ameeroody ...	7 3 6	1 7 1	Not proved.
Mrs. Eliza Blunt ...	37 0 0	7 6 5	Ditto.
Bindabun Mullick ...	150 0 0	30 0 0	Ditto.
Bowannee ...	121 9 7	24 5 1	Ditto.
W. C. Crane ...	35 2 0	7 0 5	Ditto.
Mrs. Carshore ...	172 10 0	34 8 5	Ditto.
Mr. Hatton ...	20 0 0	4 0 0	Ditto.
Mr. Hickworth ...	68 6 0	13 10 10	Ditto.
Jones and Company ...	268 8 0	53 11 3	Ditto.
D. E. Mallock, for Frith and Gordon ...	15 6 0	3 1 2	Ditto.
Mortimer and Company ...	10 0 0	2 0 0	Ditto.
Mackellar and Company ...	46 0 0	9 3 2	Ditto.
Ramdhun ...	80 0 0	16 0 0	Ditto.
R. Swinhoe, Executor of Mrs. Gillanders ...	138 10 8	27 11 8	Proved.
H. G. Statham ...	54 8 0	10 14 5	Ditto.
Mr. Spence ...	21 0 0	4 3 2	Ditto.
H. Tandy ...	60 4 0	12 0 10	Not proved.
Watkins, Cliff and Company ...	17 1 1	3 6 7	Proved.
J. H. Wilson ...	23 12 0	4 12 0	Not proved.
Mr. Wilkinson ...	23 15 0	4 12 7	Ditto.

Estate of J. E. Cheetham.

	Claim Sa. Rs.	1st Dividend at 20 per Cent.	
Comul Baboo ...	239 14 0	47 15 7	Not proved.
Captain Niel Stewart ...	515 14 0	103 2 10	Ditto.
Mr. Rozario ...	36 0 0	7 3 2	Ditto.
Servants under Military Court of Requests ...	638 14 1	127 12 5	Ditto.

Estate of Thomas Philpot.

	Claim Sa. Rs.	2nd Dividend at 20 per Cent.	
Cannoo Doss ...	16 0 0	3 3 2	Not proved.
Co-Operative Society ...	35 0 0	7 0 0	Proved.
Gungaram ...	38 0 0	7 9 7	Ditto.
Hurry Hur Doss ...	8 0 0	1 9 7	Not proved.
Juggomohun Seal ...	24 0 0	4 12 10	Ditto.
Kessub Doss ...	5 0 0	1 0 0	Proved.
Kooroonoo Mauther ...	55 0 0	11 0 0	Not proved.
Munnee Khanum ...	260 0 0	52 0 0	Ditto.
Ann Harriet Preston ...	36 0 0	7 3 2	Ditto.
Ruggoo Doss ...	16 0 0	3 3 2	Proved.

Estate of H. A. Elliott.

	Claim Co.'s Rs.	1st Dividend at 10 per Cent.	
Baboo Colly Coomar Chatterjee ...	101 5 4	10 2 1	Not proved.
Bourkey and Company ...	40 0 0	4 0 0	Ditto.
Barrett and Company ...	19 3 2	1 14 9	Ditto.
N. M. D. Estival ...	183 7 6	18 5 6	Ditto.
Gungaram Mullick ...	10 10 8	1 1 0	Ditto.
Goloke ...	13 0 0	1 4 10	Ditto.
George Samuel ...	42 0 0	4 3 2	Ditto.
James Hypher ...	38 8 0	3 13 7	Proved.
Mark Jones ...	165 0 0	16 8 0	Ditto.
Kanunal and Company ...	288 0 0	28 12 9	Not proved.
Laul Chund ...	8 0 0	0 12 10	Ditto.
Munnaloll ...	16 0 0	1 9 7	Ditto.
Mutafa Khan ...	41 5 3	4 2 1	Ditto.
Rajoo ...	13 0 0	1 4 10	Proved.
Ramchund ...	12 12 10	1 4 6	Not proved.
Seetanund Mozoomdar ...	9 12 0	0 15 7	Ditto.
Syfoo ...	25 0 0	2 8 0	Ditto.
A. White ...	67 3 2	6 11 6	Proved.

Estate of Connylaul Burraul and another.

	Claim Sa. Rs.	2nd Dividend at 2½ per Cent.	
Bindabun Mitter's son, Russickloll Mitter ...	1523 6 0	38 1 4	Not proved.
Bhogaban Doss' Estate ...	153 0 0	3 13 2	Ditto.
Buddinauth Paul Chowdry's Estate ...	5 0 0	0 2 0	Ditto.
Beelautee Khanum Beebee, of Chinsurah ...	210 0 0	5 4 0	Ditto.
Bhowanny Dean, of Calcutta, Peon ...	10 0 0	0 4 0	Ditto.
Bissonauth Ghose, of Calcutta, Gowallah ...	3 0 0	0 1 2	Ditto.
Collypersaud Mookerjee's Estate ...	10 11 0	0 4 3	Ditto.
Callykisto Ghose, of Simla, Banian ...	1491 12 0	37 4 8	Ditto.
Chuckoo Paul, of Calcutta, Gomasta ...	68 8 9	1 11 5	Ditto.
Colly Tohalia, of Calcutta, Khansamah ...	3 0 0	0 1 2	Ditto.
Dennaram Tewarry, of Calcutta, Peon ...	62 0 0	1 8 10	Ditto.
Dhurundas Paul, of Calcutta, Khansamah ...	4 0 0	0 1 7	Ditto.
Gooroopersaud Dutt, of Calcutta, Banker ...	450 0 0	11 4 0	Ditto.
Govind Chunder Bhunjee ...	500 0 0	12 8 0	Ditto.
Govind Chunder Dhur ...	126 10 0	3 2 8	Ditto.
Gungapersaud Ghose, of Calcutta, Banker ...	30 0 0	0 12 0	Ditto.
Goverdhone, of Calcutta, Gomasta ...	18 7 0	0 7 5	Ditto.
Hurrokisto Sett's widow, Siboo Soondry Dossee	5 0 0	0 2 0	Ditto.
Kistno Churn Paul, of Chinsurah, Gomasta ...	4 0 0	0 1 7	Ditto.
Kistnokissore Dutt, of Calcutta, Gomasta ...	2 4 0	0 0 11	Ditto.
Mookta Dossee ...	2400 0 0	60 0 0	Ditto.
Estate of Meheschund Day and others ...	954 0 0	23 13 7	Ditto.
Meheschunder and Rajchunder Sandell, of Calcutta, Sircars ...	237 0 0	5 14 10	Ditto.
Nobongo Dossee ...	200 0 0	5 0 0	Ditto.
Nemychurn Day's Estate ...	165 0 0	4 2 0	Ditto.
Nobokissore Mullick, of Calcutta, Householder ...	5 0 0	0 2 0	Ditto.
Nobokissore Chuckerbutty, of Calcutta, Gomasta ...	9 0 0	0 3 7	Ditto.
Nophur Nye, of Calcutta, Khansamah ...	2 0 0	0 0 10	Ditto.
Olongo Dossee, of Chinsurah, Widow ...	100 0 0	2 8 0	Ditto.

ESTATE OF CONNYLAUL BURRAUL AND ANOTHER.—*(Continued.)*

	Claim Sa. Rs.	2nd Dividend at 11 per Cent.	
Pearee Dossie ..	600 0 0	15 0 0	Not proved.
Prankissen Seal, of Calcutta, Sircar ...	168 1 9	4 3 3	Ditto.
Punchanund Mitter, of Calcutta, Banian ...	3 0 0	0 1 3	Ditto.
Rungoo Dabee ...	800 0 0	20 0 0	Ditto.
Radakissen Mitter, of Calcutta, Banian ...	3176 10 9	79 6 8	Ditto.
Radhakantjee Idol ...	1027 0 0	25 10 10	Ditto.
Ramrutton Mookerjee, of Calcutta, Zemindar	34 10 0	0 13 10	Ditto.
Russickloll Burraul, of Calcutta, Banian ...	221 0 0	5 8 5	Ditto.
Rausbeharry Addy ...	42 4 0*	1 0 11	Ditto.
Ramdhone Bonnerjee, of Telniparah, Zemindar ...	201 15 3	5 0 9	Ditto.
Rajkissore Dutt ...	124 15 6	3 2 0	Ditto.
Radakissen Sett, of Calcutta ..	105 6 0	2 10 2	Ditto.
Roop Loll Mullick, of Calcutta ...	5 0 0	0 2 0	Ditto.
Ramdhun Chatterjee, of Telniparah, Sircar	10 0 0	0 4 0	Ditto.
Radamadub Bonnerjee, of Calcutta ...	5 0 0	0 2 0	Ditto.
Rammohun Day, of Calcutta, Gomasta ..	9 12 3	0 3 11	Ditto.
Ramcaunt Chuckerbutty	6 0 0	0 2 5	Ditto.
Soroop Chunder Day, of Calcutta ...	70 0 0	1 12 0	Ditto.
Seedamchund Dutt, of Calcutta, Podar ...	2 0 0	0 0 9	Ditto.
Sooroop Chunder Mullick, of Calcutta ...	5 0 0	0 2 0	Ditto.
Toolsie Dossie ...	600 0 0	15 0 0	Ditto.
Woodoy Chund Dutt, of Calcutta, Banian ...	165 2 0	4 2 0	Ditto.

ESTATE OF J. A. AYTON.

	Claim Sa. Rs.	2nd Dividend at 11 per Cent.	
Begbie and Co. ...	18 12 0	2 10 0	Proved.
Bhoodoo ...	200 0 0	22 0 0	Not proved.
Bhustee Ram ..	144 0 0	15 13 5	Proved.
Captain Johnson, of the old 23rd Regt. N.I., deceased ...	100 0 0	11 0 0	Not proved.
Khoda Bux ...	120 0 0	13 3 2	Ditto.
Mission Press ...	40 0 0	4 6 5	Ditto.
Mr. Macdonald ...	200 0 0	22 0 0	Proved.
Punchum ...	120 0 0	13 3 2	Not proved.
Government Gazette Press ...	50 0 0	5 8 0	Ditto.
Ramchund Biswas ...	70 0 0	7 11 2	Ditto.
Scott, Hunter and Co. ...	700 0 0	77 0 0	Ditto.
Sewdeen Sookool, Havaldar of 35th Regt. N. I ...	150 0 0	16 8 0	Ditto.
Ujooba ...	144 0 0	15 13 5	Ditto.

ESTATE OF CHARLES TROWER.

	Claim Co.'s Rs.	2nd Dividend at 5 per Cent.	
Beeroo Saha, of Calcutta, Shop-keeper ...	200 0 0	10 0 0	Not proved.
Bissonauth Doss, of Baloor, Writer ...	110 0 0	5 8 0	Ditto.
Bussoorooby Choudry, of Calcutta, Moonshee ...	300 0 0	15 0 0	Ditto.
Cossimur Mostafee, of Burdwan, Zimindar ...	2000 0 0	100 0 0	Ditto.

ESTATE OF CHARLES TROWER.—*(Continued)*

	Claim Co.'s Rs.	2nd Dividend at 5 per Cent.	
Cook & Co., of Calcutta, Stable-keepers ...	200 0 0	10 0 0	Not proved.
Doorgachurn Dutt, of Calcutta, Banian ...	300 0 0	15 0 0	Ditto.
Doorgadass Bhuttacharjee, of Callyghat ...	200 0 0	10 0 0	Ditto.
Fakeer Chund Chuckerbutty, of Calcutta, Banian ...	500 0 0	25 0 0	Ditto.
Guddadhur Mitter, of Sealdah, Banian ...	200 0 0	10 0 0	Ditto.
Gorachund Mitter, of Penhatty, Banian ...	1000 0 0	50 0 0	Ditto.
Heralall Soor, of Calcutta, Writer ...	150 0 0	7 8 0	Ditto.
Heralall Bysack, of Calcutta, Writer ...	1000 0 0	50 0 0	Ditto.
Hurrish Chunder Ghosaul, of Calcutta, Writer ...	1500 0 0	75 0 0	Ditto.
Jhoroo Sircar, of Calcutta, Shop-keeper ...	150 0 0	7 8 0	Ditto.
Jogoo Bysack, of Calcutta, Writer ...	200 0 0	10 0 0	Ditto.
Issur Chunder Takoor, of Calcutta, Writer	100 0 0	5 0 0	Ditto.
Moneeram Sircar, of Calcutta ..	239 0 0	11 15 2	Ditto.
MacIntyre & Co., of Calcutta, Merchants ...	674 6 8	33 11 6	Ditto.
M. Manuk, Executor of Estate ...	800 0 0	40 0 0	Proved.
Modoosoodun Mitter, of Calcutta, Banian ...	750 0 0	37 8 0	Not proved.
Nocoor Chund Sett, of Calcutta, Sircar ...	200 0 0	10 0 0	Ditto.
Rameshur Ghose, of Calcutta, Shop-keeper	57 0 0	2 13 7	Ditto.
Ramanath Gurgo, Rajah of Tumlook ...	1600 0 0	80 0 0	Ditto.
Ram Gopaul Sein, of Calcutta, Banian ...	200 0 0	10 0 0	Ditto.
Ramchunder Ghose, of Calcutta, Writer ...	100 0 0	5 0 0	Ditto.
Soroop Chunder Dutt, of Calcutta, Shop-keeper, ...	700 0 0	35 0 0	Ditto.
Syed Abdool Moojeed, of Hooghly ..	1400 0 0	70 0 0	Ditto.
Sumbhoo Chunder Sircar, of Seebpore ...	618 10 8	30 14 11	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Sircar	200 0 0	10 0 0	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Writer	200 0 0	10 0 0	Ditto.
Soojeekour Sait, of Calcutta, Sircar ...	150 0 0	7 8 0	Ditto.
Tacoor Doss Mistry, in 24-Pergunnahs ...	350 0 0	17 8 0	Ditto.
Modoosoodun Ghose, in Ditto ...	200 0 0	10 0 0	Ditto.

ESTATE OF FRANCIS FAVIER.

	Claim Co.'s Rs.	1st Dividend at 6 per Cent.	
Lollmohun, of Calcutta, Chowkeydar ..	55 0 0	3 4 10	Not Proved.
Obhoy Churn Seal, of Calcutta, Shop-keeper	51 0 0	3 0 11	Ditto.
Rammohun Bose, of Calcutta, Bottle Merchant ...	80 0 0	4 12 10	Ditto.
Ramchund Roy & Co., of Calcutta, Shop-keeper ...	120 0 0	7 3 2	Ditto.
Radamohun Doss & Co., of Calcutta, Bottle Merchant ...	19 5 0	1 2 6	Ditto.
Ramchund Doss, of Calcutta, Silk Merchant	14 0 0	0 13 5	Ditto.
Ramchundro and Seetaram Taoors, of Calcutta ...	22 0 0	1 5 2	Ditto.
Sibchunder, of Calcutta, Gardener ...	14 0 0	0 13 5	Ditto.
Soroop Chunder Mullick, of Calcutta, Shop-keeper ...	23 4 0	1 6 4	Ditto.

JOHN COCHRANE,

Official Assignee.

12th February 1857.

Report showing the smallest Depth of Water in the Bhaugiruttee, Jellinghee, and Matabangah Rivers on the 7th February 1857.

Names of Rivers.	*Smallest Depth of Water.* F.	I.	*Where Shallowest.*
Bhaugiruttee River.			
At its entrance ...	0	0	Closed.
Below the entrance,...	0	0	
From thence to Jungypore ...	0	0	
From Jungypore to Sadduckbaugh...	0	9	At Sampore.
From Sadduckbaugh to Berhampore ...	1	6	At Berhampore.
	1	9	„ Kheederpore.
From Berhampore to Cutwa ...	1	9	„ Mayleeny.
	1	6	„ Manickdhee.
And from Cutwa to Nuddea ...	1	3	„ Boladangah.
Jellinghee River.			
At its entrance ..	0	0	Closed.
From thence to Bausmarree ...	0	0	
From Bausmarree to Teeahkattah	0	2	Below Koobleah.
From Teeahkattah to Sonatullah ...	1	2	At Radhanugghur.
And from Sonatullah to Moisgunge	1	9	„ Sonatullah.
*Matabangah River.**			
At its entrance ...	3	4	
From thence to Haut Boleah ...	2	6	At Sodasibpore.
	2	2	„ Totarparrah
	2	3	„ Kaddypore
From Haut Boleah to Katchikattah ...	4	0	„ Boleah Entrance.
	1	8	„ Dassparrah.
	1	8	„ Bhaugberriah.
	2	0	„ Gyegattah.
	1	6	„ Asmancolly.
	2	3	„ Onoopnugghur.
	2	2	„ Katchikattah.
From Katchikattah to Kishengunge	2	3	„ Kistopore.
	1	10	„ Boalmarree.
	2	6	„ Shealmarree
	2	3	Below Soobulpore.
	2	6	At Doorgahpore.
And from Kishengunge to Seebpore	3	0	„ Hurdum.

Height of water on Gauge at Berhampore, on the 7th February 1857, + 1 Foot 9¼ Inches.

H. T. FORBES, *Lieut.*,

Supdt., Nuddea Rivers.

ON THE MATABANGAH RIVER;
Khaul Boleah,
13*th February* 1857.

* Since last Report, the Channel of this River, at Dassparrah, has been deepened by the construction of Bandahls and by Kodalies from 1' 6" to 1' 8", at Bhaugberriah from 1' 6" to 1' 8½, at Gyegattah from 1' 6" to 2', at Onoopnugghur from 2' to 2' 3", at Katchikattah from 2' to 2' 2", at Kistopore from 2' to 2' 3", at Shealmarree from 2' 2" to 2' 6", and at Doorgahpore from 2' to 2' 6."

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on, and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.*:

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in, the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs, one cowrie, and one krantee share of the sum of Company's Rupees nine thousand and seventy-two, being the entire sudder jummah or Government Revenue chargeable on the said Estate; that is, Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Bamongachee, Juggutdispore, Dhanookollah, Jonadhunpore, Ramnauthpore, Hurrydebpore, Bhadagovindpore, Joynogare, Earnogore, Mallooporo, Baddinauthpore, and Kheupookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Pooalee, Chuckhinda, and Nooabad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *viz.* Nij Kamdauree, Booraul, Rajarampore, Kasherepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgunge, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calouttá, three Mouzahs or Kismuts, *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the

Indigo Factory is built, an . .so for the Nejabad lands thereto belonging; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,

H. SWINHOE, *Attorney.* *Master.*

CALCUTTA SUPREME COURT; *Master's Office,* *The 13th February* 1857.

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,

No. 2, Council House Street, *Secretary.*
Calcutta, 30th January 1855.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ... Without charge.
If to be paid in India, a Commission will be charged of .. 1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ... 1-4th per Cent.
On the purchase of Government or other Securities, ... 1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, .. Without charge

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION; *Calcutta, 29th January* 1855.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND CO., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.
THOMAS CARTNER.

HALL OF ALL NATIONS, *Calcutta, 1st February* 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND CO., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS, *Calcutta, 1st February* 1857.

LOST.—An unindorsed Bank of Bengal Sola Bill, No. 679, dated 24th December 1856, for Company's Rupees 10,000, payable to me or order, payment of which has been stopped in the Bank. Whoever will bring the same at No. 8, Lyons' Range, will be rewarded by Ramdhone Ghose.

LOST.—Second-half of a Bank of Bengal Note, No. 29784, for Company's Rupees 100, payment of which has been stopped at the Bank.

LOST.—Half of Bank of Bengal Note, No. 26037, for Company's Rupees 50, payment of which has been stopped at the Bank.

LOST.—The second-half of a Bank of Bengal Note, No. 23194, for Company's Rupees (20) twenty, payment of which has been stopped at the Bank.

LOST.—One-half of two Bank of Bengal Notes, Nos. 17924 and 39438, valued at Rupees 25, each.

LOST.—A Half of Bank of Bengal Note, No 15623, for Company's Rupees 20, payment of which has been stopped at the Bank.

Post Office Notifications.

No. 1898.

OVERLAND MAIL.

THE Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, Aden, Penang, Singapore, and Hong-Kong, per P. and O. Co.'s Steamer *Hindostan*, will be closed at this Office on Saturday, the 21st Instant.

1*st.*—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories directed *viâ* Great Britain and Marseilles, and as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd.*—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd.*—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th.*—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th.*—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th.*—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th.*—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th.*—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th.*—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th.*—Newspapers sent or received through Great Britain, to or from Perú, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th.*—Only one paper can be sent in one cover.

C. K. DOVE,
Deputy Post-master General.

FORT WILLIAM;
General Post Office,
The 11th February 1857.

POSTAL NOTICE.

The Public are informed that arrangements have been made for a new line of Contract Steamers for the conveyance of the Mails, once a month, between England and Australia, *viâ* Suez and Point de Galle.

2. A Time Table cannot now be published, as the dates of sailing of the Packets have not yet been definitely settled; but it is expected that the first Packet from Australia will be due at Suez on the 3rd March, and that the first Packet to Australia will depart from Suez on the 11th Idem.

3. Letters posted in India for conveyance by the Contract Packets must be prepaid at the following rates, which include Inland Postage:—

	Rs.	As.	P.
Not exceeding ½ an Ounce	0	4	0
Exceeding ½ Ditto, and not exceeding 1 Oz.	0	8	0

And so on, adding 8 Annas for every Ounce or fraction of an Ounce.

4. On letters posted in Australia for conveyance by the Contract Packets, the only Postage to which they will be liable *in India*, will be the usual Indian Postage.

5. On Newspapers posted in India for the same conveyance, one Penny or nine Pie must be prepaid in Cash in addition to the usual Inland Postage when despatched from a Mofussil Post Office, or by the *After Packet*.

6. Newspapers received by the Contract Packets from Australia will be subject to the usual Inland Postage only.

G. PATON,
Offg. Director General of the Post Office in India.

CALCUTTA,
The 13th February 1857.

No. 1836.

Notification.

Table showing the New Rates of Steam and Inland Postage on Letters, &c., forwarded by H. M.'s Mail Contract Steamers.

Names of Places.	Route.	Letter.	Newspapers or Price Current.	Rates of Postage on Letters.
Great Britain ...	Viâ Marseilles ...	... ...	Free ...	Not exceeding ¼ oz. 0 6 0 Exceeding ¼ oz. & not exceeding ½ oz. 0 8 0 „ ½ oz. „ ¾ oz. 0 14 0 „ ¾ oz. „ 1 oz. 1 0 0 And so on, eight annas being added for every additional ounce or fraction of an ounce, and two annas French Postage for every additional quarter of an ounce, which includes Inland postage.
United States ...				
West Indies not a British Colony or to any Foreign Territories ...	Viâ Marseilles and the United Kingdom ...	Pre-payment optional	3 Pence 2 As.	
West Indies or to any British Colonies ...				
Canada or British North America ...	Viâ do. and the United States	... ...	4 Pence 3 As.	
Great Britain ...	Viâ Southampton	Ditto ...	Free ...	Not exceeding ½ oz. 0 4 0 Exceeding ½ oz. & not exceeding 1 oz. 0 8 0 And so on, adding 8 annas for every ounce or fraction of an ounce, which includes Inland postage.
Ditto ...	Viâ Trieste, ...	Must be prepaid ...	One Penny (9 pie) steam postage must be pre-paid*	
United States West Indies or Foreign Territories ...	Viâ Southampton	Cannot be prepaid ...	1 Penny 9 Pie.*	
Canada or British North America ...	Viâ do. and United States	Ditto ...	2 Pence 1 As. 6 P.	
Malta Gibraltar ... Ionian Islands ... Australian Colonies Mauritius or any British Colony, the route to which does not lie through Great Britain ...				
China (except Hong-Kong) ...	Viâ Galle ...	Must be prepaid ...	1 Penny 9 Pie*	Ditto.
Macao ...				
Canton ...				
Manilla ...				
Batavia ...				
Java ...				
Bourbon or any Foreign Ports, the route to which does not pass through Egypt				
Madras ...	Direct ...	Optional ...	Ditto* ...	Ditto.
Ceylon ...				
Bombay ...				
Aden ...				
Penang ...	Viâ Galle ...	Ditto ...	Ditto* ...	Ditto.
Singapore ...				
Malacca ...				
Hong-Kong ...				

Old Rates of Postage are applicable to the following Places and at the following Rates.

Names of Places.	Route.	Letters.	Newspapers or Price Current.	Rate of Postage on Letters.
France ...	Viâ Egypt, ...	Steam postage cannot be pre-paid	Steam postage cannot be pre-paid†	When posted at a Mofussil PostOffice, or for the After-packet, the Inland postage must be pre-paid.
Trieste ...	... ...	Must be pre-paid ...	1 Penny 9 pie*	Not exceeding ½ oz. 0 8 0 Exceeding ½ oz. & not exceeding 1 oz. 1 0 0 Exceeding 1 oz. & not exceeding 2 oz. 2 0 0 And so on, adding one Rupee for every ounce or fraction of an ounce, besides Inland postage when posted at Mofussil Offices or posted for an After-packet.
Austria ...				
Alexandria ...				
Cairo ...				
Suez ...				
Places in Egypt or to any Foreign Port viâ Egypt ...				
Foreign Europe ...	Viâ Marseilles or Trieste	Ditto ...	Ditto* ...	

* To be paid in Cash when Stamp cannot be used ; the postage is compulsory; and more than one Paper cannot be sent under cover.

† Applicable to Price Current, Periodicals, Works stitched or bound, Books, Pamphlets, Sheets of Music, Catalogues, Prospectus, Announcements, and Notices of various kinds.

N. B.—Besides the Steam Postage entered in the Column for Newspapers and Price Current, an Inland Postage will be necessary when such papers are posted at Mofussil Post Offices, or when posted for an After-packet.

CALCUTTA ;
General Post Office,
The 2nd February 1857.

C. K. DOVE,
Deputy Post-master General of Bengal.

Post Office Notification showing the Date and Hour of Arrival of the Mails at the General Post Office, and the time occupied in sending the Letters and Papers out for delivery.

Name of the Steamer.	Date and Hour at which the Mails arrived at the General Post Office.	Date and Hour at which the Window-delivery commenced.	Hour of conclusion of the Window-delivery.	REMARKS.
Alma ...	6 P. M.	9½ P. M. ...	10 P. M.	

CALCUTTA :
General Post Office,
The 14th February 1857.

C. K. DOVE,
Deputy Post-master General.

IT is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office, between Monday the 9th February 1857, and Sunday the 15th February 1857, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified :—

Letters received on dates, from and to	*By what Ship despatched.*	*Bound to*	*Remarks.*
9th to 11th Feby. 1857..	Mirzapore.....	Mauritius	Left town on the 12th Feb. 1857.
9th to 12th ditto ..	Currumulzie.....	Sydney..	Ditto on the 13th ditto.

CALCUTTA ;
General Post Office,
The 17th February 1857.

C. K. DOVE,
Deputy Post-master General.

No. 3628.

Wax Cloth	Gunnee Cloth.	Bullock Hide.
Wax.	Log Line.	Buckles.
Rosin.	Twine.	Gunny and Puttles.
Sealing-Wax.	Jute Rope.	Earthen Pots.
Fire-wood.	Pitch.	Nails.
Wax Candles.	Dammer.	Tacks.
Mustard Oil.	Ditto Melting Pots.	Canvas.
Cocoanut Oil.	Brushes.	

Sealed Tenders for the supply of such quantities of Articles mentioned in the margin, as may be required for the use of the Calcutta General Post Office, for one year, will be received at the General Post Office up to noon, on the 25th instant, when they will be opened in the presence of parties interested who may be in attendance.

A deposit of Company's Rupees 1,000, (one thousand), in Company's paper will be required with such tender. Further particulars may be obtained on application at the General Post Office.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA ;
General Post Office,
The 16th February 1857.

No. 1935.

NOTICE is hereby given, that the Mails for Penang, Singapore and China, for transmission per Steamer *Lancefield* will be closed at this Office, on Friday, the 20th instant.

C. K. DOVE,
Deputy Post-master General.

FORT WILLIAM ;
General Post Office,
The 17th February 1857.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the "* CALCUTTA GAZETTE" OFFICE, *No. 54, Council-house Street, for the Government, Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 18, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 11th of April next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Bengal.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the General Regulations of the Bengal Code : It is hereby enacted as follows :—

Preamble.

1. This Act shall extend only to such parts of the Territories under the Government of the Lieutenant Governor of Bengal as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

Territorial scope of Act.

CHAPTER I.

SUDDER COURT.

The Sudder Court at Calcutta shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

Jurisdictions of the Sudder Court.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

1. There shall be three grades of Judges in each zillah or district :—

Grades of District Judges.

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their Courts, how to be denominated.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Their appointment, suspension, and removal.

4. Each Civil Court is to be presided over by one or more Judges ; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

6. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

Ministerial officers

General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bengal Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Suits for real property in Zillah Courts subject to different Sudder Courts.

18. If the Zillah Courts, within the limits of which the property is situated, are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the zillah, in which the action is brought, is subject; and the Sudder Court, to which such application is made, may, with the concurrence of the Sudder Court, to which the other zillah is subject, give authority to proceed with the same.

Declaratory suit.

19. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

20. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to revi ws of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—
Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos: (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family; in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the sommons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bengal Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bengal Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant. to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the pleintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees, or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such proper y in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63 If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case ; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside ; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause ; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bengal Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bengal Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bengal Code or Acts of the Council of India give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same; when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, whether such Court be within the said Presidency or not, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116 If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

But a witness may for special cause be examined immediately.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

Witnesses to be examined without oath, affirmation, or warning.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Of Commissions to examine absent Witnesses and make local Inquiries.

Cases in which Court may issue a Commission to examine witnesses.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

Where the witness is within the local jurisdiction of the Supreme Court.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Calcutta, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is beyond the general jurisdiction of the Sudder Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, whether such place be within the said Presidency or within the territories in the possession of the East India Company or not, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Commission to be returned with the depositions of the witnesses.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the prsence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the procedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered.

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same. The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative, or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed. and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupacy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV, respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares, or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Calcutta it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Calcutta, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years;

and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bengal Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. Afrer the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court at Calcutta.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court..

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application.

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*] Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Calcutta [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shallforthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in wh ch a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent, to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds.

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent.

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Judge shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which he may have admitted a review of judgment, together with the grounds on which the review has been admitted, and shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT at CALCUTTA [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18 .

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT at CALCUTTA [or Zillah Court at .]
REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRANT, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 18, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 14th of April next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in the North Western Provinces.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the territories under the Government of the Lieutenant-Governor of the North Western Provinces as are subject to the General Regulations of the Bengal Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Territories under the Government of the Lieutenant Governor of the North Western Provinces as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court

The Sudder Court at Agra shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers

6. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bengal Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Suits for real property in Zillah Courts subject to different Sudder Courts.

18. If the Zillah Courts, within the limits of which the property is situated, are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the zillah, in which the action is brought, is subject; and the Sudder Court, to which such application is made, may, with the concurrence of the Sudder Court, to which the other zillah is subject, give authority to proceed with the same.

Declaratory suit.

19. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

20. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding-officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees bearing date the day of , and payable on the day of

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—
Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit
In the Court of the of holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon :—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the summons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bengal Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bengal Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant. to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer. enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant. or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit. and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant. the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration.

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bengal Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bengal Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bengal Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, whether such Court be within the said Presidency or not, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just.

Cases in which Court may issue a Commission to examine witnesses.

If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint.

Where the witness is within the Court's jurisdiction.

If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Moonsiff of Agra, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, whether such place be within the said Presidency or within the territories in the possession of the East India Company or not, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requisition of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the presence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered

142 The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge

Copies of the decree to be furnished

144 Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commanding officer

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the purpose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged, if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary, if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Courtby the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application the decree may be executed accordingly.

Particulars to be given with the application

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money, the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought, and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause.

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV, respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Calcutta it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Calcutta, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteed to the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectiyely where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years; and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Decree or order transmitted, to be executed as that of the Court.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

Execution how to be enforced by Court applied to.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

What appeal from orders for execution under this Act.

Chapter VI

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Contempt of lawful Authority under Chapter X.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Reference on application of the parties.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Application how to be made.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Appointment of arbitrators may be made by Court at the desire of parties.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

Order of reference.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

When the reference is to two or more, the order shall provide for difference of opinion.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Power to Court to direct arbitration.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

Court may determine particular facts or points of law.

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested.

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bengal Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. Afrer the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall accept as hereinafter provided be to the Zillah Judge; in suits above that sum, to the Sudder Court at Agra.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application.

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*]Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Agra [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18 If on the day fixed for the hearing of the appeal or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23 If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24 It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction. except as provided in the preceding Article.

Power to remand limited as above

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28 In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings,

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge

How the judgment of the Appellate Court is to be delivered In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows:—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent.

(8) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence, which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.

COURT of the of holden at

REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.

SUDDER COURT at AGRA [or Zillah Court at

REGISTER of APPEALS from FINAL DECREES in the year 18

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.

SUDDER COURT at AGRA [or Zillah Court at

REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

THIRD SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 18, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 18th of May next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Madras.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the Presidency of Fort St. George as are subject to the General Regulations of the Madras Code : It is hereby enacted as follows :—

Preamble.

1. This Act shall extend only to such parts of the Presidency of Fort St. George as are subject to the General Regulations of the Madras Code, except so far as is hereinafter otherwise expressly provided.

Territorial scope of Act.

CHAPTER I.

SUDDER COURT.

The Sudder Court at Madras shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

Jurisdictions of the Sudder Court

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

1. There shall be three grades of Judges in each zillah or district :—

Grades of District Judges.

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah or city, or division in which they are respectively established.

Their Courts, how to be denominated.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Their appointment, suspension, and removal.

4. Each Civil Court is to be presided over by one or more Judges ; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

6. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

Ministerial officers.

in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Madras Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate

Declaratory suit.

18. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

19. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—
Payment of Company's Rupees on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for suits agaaration of right, or the fulfilment of a devenue which the plaintiff is interested, or that native endant be restrained from the committal of heir reach of a contract or other injury to the plain ma or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos (1) and (2,) instead of the name and description of the Plaintiff or Defendant But in all other cases, it shall be necessary to specify the names of all the parties .

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4 If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5 If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7 The register shall be kept in the form contained in the Schedule (A.) hereunto annexed , and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8 When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant , and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of
(Signature.)

Costs of summons and service
This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the sommons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Madras Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Madras Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant. to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit. and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in, which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64 The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35, and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequences of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Madras Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Madras Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Madras Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Cases in which Court may issue a Commission to examine witnesses.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Madras, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the prsence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Co mmission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the procedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered.

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same. The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the baillff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupacy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV, respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsover, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Madras it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Madras, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years; and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Madras Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*]Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Madras [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shallforthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence.

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent, to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground.

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds.

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (G) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent.

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT OF MADRAS [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT OF MADRAS [or Zillah Court at .]
REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRAY, "CAZETTA GAZETTE," OOTACAMUND.

Numb. 15. [329]

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

SATURDAY, FEBRUARY 21, 1857.

Legislative Council.

The 14th February 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 9th February 1857, and is hereby promulgated for general information :—

ACT No. IV OF 1857.

An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay.

Preamble.

WHEREAS it is expedient to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing of that article in the Town of Bombay, It is hereby enacted as follows :—

Laws repealed.

I. Chapters V, VI, VII, and VIII of Regulation XXI. 1827 of the Bombay Code, and Act XXIV of 1850, are hereby repealed, but not so as to revive any other Regulation or Act thereby repealed.

Municipal Duty on Tobacco intended for consumption in Bombay

II. All Tobacco (except such small quantities as are hereinafter mentioned) imported from any place into the Town of Bombay and intended for consumption therein, shall be liable to a duty of seven Rupees and eight annas per maund of forty seers of eighty tolas to the seer, which duty is hereinafter called the Municipal Duty ; and such duty shall be leviable in addition to any Customs Duty prescribed by law.

Municipal Duty when payable.

III. The said Municipal Duty may be paid at the option of the importer either on the importation of the Tobacco, or after it has been warehoused as hereinafter provided.

Duty if not paid on importation, to be paid on removal from warehouse for consumption.

IV. If the said Municipal Duty is not paid on importation, the Tobacco shall be warehoused in a public or licensed warehouse within the meaning of Act XXV of 1836 ; and the importer shall pay such duty on the said Tobacco on its removal from the warehouse for consumption in the said Town.

Remission of Municipal Duty on re-exportation.

When Tobacco so warehoused is re-exported to any place beyond the limits of the said Town, the whole of the said Municipal Duty shall be remitted.

Bombay a warehousing port for Tobacco.

V. The port of Bombay shall, after the passing of this Act, be held to be a warehousing port within the meaning of Act XXV of 1836, so far as regards the warehousing of Tobacco ; and the provisions of the said Act, so far as the same are applicable, shall be applied to the warehousing of Tobacco in the said Town. The Import Duty in the said Act mentioned shall, as to Tobacco, include the Municipal Duty leviable under this Act.

Powers for collection and enforcing payment of the Municipal duty.

VI. The Commissioner of Customs, Salt, and Opium, and Officers of Customs, shall have all the same powers and authorities for collecting and enforcing payment of the said Municipal Duty in addition to the powers and authorities specified in this Act, as they now have or shall have in respect of duties of Customs.

Tobacco not to be imported otherwise than by Sea

VII. It shall not be lawful, without the permission of the Commissioner of Customs, Salt, and Opium, or other Officer empowered by Government to grant such permission, to bring any Tobacco or any preparation

thereof into Bombay otherwise than by sea, nor to land the same at any other landing places than such as may from time to time be prescribed by the Government of Bombay.

Landing places to be prescribed.

VIII. The foregoing provisions of this Act shall not be applicable to such small quantities of Tobacco (not exceeding in weight four seers of eighty tolas to the seer) as are intended for the private consumption of the importer.

Exemptions from Duty.

IX. It shall not be lawful to remove any Tobacco from one place to another within the said Town, nor to carry or convey the same on any thoroughfare in the said Town, nor to carry the same in any vessel or boat of less than forty candies burthen in any of the creeks or waters adjacent to the said Town, without a Permit from the Commissioner of Customs, Salt, and Opium, which Permit shall be in the form of Schedule A to this Act annexed, or to the like effect; any such Permit shall be in force only between sunrise and sunset of the day for which it is granted. Provided always, that it shall be lawful to convey without a Permit any Tobacco so far as may be necessary for the lawful importation thereof according to the provisions of this Act, and also small quantities of Tobacco, not exceeding in weight four seers of eighty tolas to the seer, for personal or domestic use.

Permit necessary for removal of Tobacco.

Proviso.

X. No Permit shall be granted for the removal from warehouse of any quantity of Tobacco less than an entire bale or package. Provided that, when Tobacco is removed for consumption in the said Town, the Commissioner of Customs, Salt, and Opium, may give permission to open any bale or package previous to removal and to set aside such portion thereof as may be refuse or waste; and the said refuse or waste may be re-exported, under the rules for the re-export of Tobacco, at any time within one month from the date of such permission, or, if it be not so re-exported, may be destroyed by order of the Commissioner.

No Permit for removal of less than a bale from warehouse.

Proviso.

XI. It shall not be lawful for any person to sell or offer for sale by retail any Tobacco in the said Town without a license from the Commissioner of Customs, Salt, and Opium, or other Officer duly empowered by Government in that behalf, which license shall be in force for a period of twelve Calendar months from the date thereof, unless the person to whom the license is granted shall be deprived thereof under the provisions of this Act. A Fee of one Rupee shall be paid for every such license.

License for retail sale of Tobacco.

XII. Any sale of Tobacco not exceeding in weight fourteen seers of eighty tolas to the seer shall be deemed to be a retail sale within the meaning of this Act.

What to be deemed a retail sale

XIII. It shall not be lawful for any licensed retail dealer in Tobacco to carry on the retail sale of the same, or to keep any store of the same, except at such shop or other premises as may be specified in his license; and the name of every retail dealer in Tobacco, together with the number of his license, shall be written or painted in English, Guzerati, and Maharatti, in plain and legible characters of not less than one inch in height, on a board to be affixed in a conspicuous manner in the front of the shop or premises where such retail sale is carried on.

Retail sale to be only at the place mentioned in the license.

Name of licensed dealer to be affixed to shop

XIV. Every retail dealer in Tobacco shall, on or before the tenth day of each month, make to the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, a separate return for each shop or place of sale for which he holds a license, showing the quantity of Tobacco on hand therein at the beginning of the preceding month, the quantity received during such month, and the persons from whom, and the dates on which, he received it, and the stock remaining at the close of such month; and any retail dealer, who refuses or neglects to make such return or makes a false return, shall be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Monthly returns of stock to be made by retail dealers.

XV. Every retail dealer in Tobacco shall, on the same day on which he shall receive any Tobacco into any such shop or place of sale, enter in a book to be kept for that purpose, the weight of such Tobacco, the day on which he receives the same, and the name of the person from whom, and the place from which, he receives it, and such book shall be open to the inspection of the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or of any person authorized by the Commissioner or such Officer to inspect the same; and the Commissioner or other Officer or person as aforesaid inspecting the said book, may make any minute therein, or any extract therefrom, which he shall think fit; and any retail dealer who neglects or refuses to comply with the provisions of this Section, shall for every offence be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Retail dealer to make entry in a book, of weight, &c. of all Tobacco received.

Inspection of book.

XVI. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, may issue a warrant under his hand and seal to any public Officer, commanding him to enter and search between sunrise and sunset any building or place to be specified in the warrant in which Tobacco may be deposited under the provisions of this Act, or in which the Commissioner or other Officer as aforesaid has been credibly informed, which information shall be taken down in writing, that Tobacco is deposited contrary to the provisions of this Act; and to seize and take away from thence, any Tobacco or other articles subject to confiscation under this Act.

Search Warrant.

XVII. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or any public Officer authorized by the Commissioner or such Officer, may arrest and detain any

Power to arrest and detain.

person carrying or having charge of any Tobacco liable to confiscation under this Act, and may detain and search any vessel or package, and any boat or vehicle, containing or conveying, or supposed to contain or convey, any such Tobacco.

To search vehicles, &c.

XVIII All Tobacco imported into the said Town or removed from one place to another or kept within the said Town, or found in the possession of any person in the said Town selling or offering any portion thereof for sale, contrary to the provisions of this Act, and every vessel in which such Tobacco is contained; and every vehicle, boat, or animal employed with the consent and knowledge of the owner or his servant in conveying the same—shall be liable to confiscation. Provided always, that it shall be lawful for the adjudicating Officer to mitigate the penalty of confiscation herein provided, by commuting the same to the payment of any fine not exceeding the value of the goods liable to confiscation; and every such fine may be enforced, if necessary, by the sale of the goods liable to confiscation.

Confiscation of Tobacco illegally imported, removed, &c.

Mitigation of penalty.

XIX. Any person, who shall illegally import, remove, or sell in the said Town, any Tobacco, or who shall knowingly have in his possession any Tobacco subject to confiscation under this Act, shall be liable to a fine not exceeding ten times the value of such Tobacco; and if the offender is a licensed retail dealer, he shall be liable to be deprived of his license by the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid.

Penalty for illegal importation, removal, sale, or possession.

Revocation of license.

XX. All confiscations and fines under this Act may be adjudicated and levied by any Magistrate of Police for the Town of Bombay. Goods adjudged liable to confiscation shall be sold under warrant of the Magistrate.

Levy of fines and adjudication and sale of confiscations.

XXI. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction. :—

Interpretation.

The words "Town of Bombay" shall include all places within the Islands of Bombay and Colaba.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

SCHEDULE A.

Form of Permit.

No

A. B. has been permitted to remove from *(Custom House or licensed warehouse or shop No. situated in Kabbadavie street to warehouse or shop No. in Bazar street)* the under-mentioned quantity of Tobacco between sunrise and sunset on the day of in the year

(Signed)————

Commissioner of Customs, Salt, and Opium.

W. MORGAN,

Clerk of the Council.

Notifications, Appointments, &c.

No. 314 A.

Fort William, Home Department,
The 14th February 1857.

Notifications.—The services of Captain H Hopkinson, 70th Regiment N. I., Commissioner of Arracan, are placed at the disposal of the Foreign Department.

No. 355.

The 17th February 1857.

The following extract (paras. 1 and 2) from a Despatch, No. 2 of 1857, dated the 2nd January, from the Hon'ble the Court of Directors, is published for general information :—

"1. We have permitted
Mr. G. E. Barnes,
„ W. E. Money, and
„ William Galloway,
to return to their duty on the Bengal Civil Establishment."

"2. We have granted the under-mentioned Members of the Bengal Civil Establishment extensions of leave for the periods specified, *viz* :—

Mr. James H. Prinsep	...	6 months.
„ W. M. Beaufort	.	5 ditto.
„ Randolph Marriott	...	3 ditto.
„ G. H. Benson		6 ditto, on Sick certificate.
„ W. H. Elliott		
„ G. Adams		Till the 1st May 1857 on Sick certificate."

No. 369 A.

The 18th February 1857.

Messrs. A. McLaurin Monteath, F. R. Hogg, and W. S. Wells, appointed by the Hon'ble the Court of Directors Members of the Civil Service on the Bengal Establishment, reported their arrival at the Presidency on the 12th Instant by the Steam-ship *Alma*.

No. 370.

The 19th February 1857.

The Reverend H. B. Burney, Assistant Chaplain, reported his return from Furlough on the 14th Instant by the Steam-ship *Alma*.

The services of the Reverend Mr. Burney are placed at the disposal of the Government of Bengal.

No. 373.

The Right Hon'ble the Governor General in Council is pleased to permit Mr. Edward Thomas to resign the East India Company's Civil Service, from the 9th Instant.

CECIL BEADON,

Secy. to the Govt. of India.

No. 822.

Fort William, Foreign Department,

The 20th February 1857.

The Governor General in Council is pleased to make the following appointments :—

United Malwa Contingent.

Lieutenant F. W. Brodie, Adjutant and Officiating Commandant of Cavalry, to be Commandant, *vice* Major L. T. Forrest, resigned.

Lieutenant C. J. Hunt, Officiating Adjutant of Cavalry, to be Adjutant, *vice* Lieutenant Brodie.

Bhopal Contingent.

Captain F. L. Magniac, Second in Command, to officiate as Commandant, during the absence, on leave, of Lieutenant-Colonel J. Travers, or until further orders.

Lieutenant A. C. Lilly, Adjutant, to officiate as Second in Command, *vice* Captain Magniac.

No. 823.

Captain J. F. D'E. W. Hall received charge of the Serohi Political Superintendency and the Command of the Joudpore Legion, from Major W. Anderson, on the 1st Instant

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No. 824.

Captain W. F. Stephens, Assistant to the Commissioner of Mysore, left the Mysore Territory on the 1st December last, on special duty, and returned to his duties in Mysore on the 29th Ultimo.

No. 825.

Captain A. L. Busk, Deputy Commissioner of Thaneysur, has obtained leave of absence on Medical certificate, under the new Military Furlough Rules, for two months, from the 10th Proximo, or from the date on which he may avail himself of it, preparatory to applying for further leave to Europe.

Lieutenant C. H. Hall, Assistant Commissioner in the Punjab, has obtained leave of absence, on Medical certificate, under the Military Rules, from the 15th Ultimo to the 15th November next, in extension of the leave granted to him in G. O. dated 30th December last, No. 6269.

Captain F R. Pollock, Deputy Commissioner in the Punjab, having reported his return from Furlough, obtained leave of absence for two months, under the Military Rules, to enable him to rejoin his appointment.

No. 826.

Assistant Surgeon R. P. Jeston, in Medical charge of the Meywar Political Agency and the Civil Station of Jawud Neemuch, has obtained leave of absence for one month, from the 1st Instant, to enable him to proceed to Calcutta, preparatory to applying for further leave to Europe.

G. F. EDMONSTONE,

Secy. to the Govt. of India.

No. 23.

Fort William, Public Works Department,

PUBLIC,

The 20th February 1857.

ERRATUM.

The initial of Mr. Baldwin, appointed an Assistant Overseer, in Notification No. 11 of the 2nd Instant, is H. and not C., as therein stated.

W. E. BAKER, *Lieut.-Col.,*

Secy. to the Govt. of India.

No. 245.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 10th December 1856.—Mr. W. Ainslie, to officiate as Magistrate and Collector of Bhaugulpore.

The 11th February 1857.—The Reverend W. Sturrock, to be Chaplain of Berhampore.

The 13th February 1857.—The Reverend R. Bland, to be Chaplain of Gowhatti.

The 14th February 1857.—Pundit Muddun Mohun Turkolunkar, Deputy Magistrate and Deputy Collector, to the charge of the Sub-Division of Jammoorkandi, in Moorshedabad, within which Sub-Division he will continue to exercise the powers of a Deputy Collector and the full powers of a Magistrate.

The 18th February 1857.—Mr. E. Jenkins, to be Collector of Purneah, but to continue to officiate until further orders as Additional Judge of Tirhoot and Sarun.

Mr. A. Pigou, to be Joint Magistrate and Deputy Collector of Maldah, but to continue to officiate until further orders as Civil and Sessions Judge of Moorshedabad.

The above appointments will take effect from the 8th Instant.

Mr. E. H. Lushington, Junior Secretary to the Board of Revenue, to be in charge of the office of Secretary to the Government of Bengal at the Presidency, in addition to his own duties.

Mr. J. R. B. Ross, Deputy Collector, attached to the Railway, is transferred to the Revenue Survey 2nd or South Division.

Leave of Absence.—The 10th February 1857.—Pundit Dataram, Sudder Ameen of Patna, for twenty days, on Medical certificate, under Clause 2 Section V. of the Uncovenanted Absentee Rules.

The 13th February 1857.—Baboo Mohendernauth Bose, late Deputy Collector of Shahabad, for one week, under Section VII. of the Uncovenanted Absentee Rules, in extension of the leave granted to him on the 5th of August last.

Notification.—The 14th February 1857.—The Lieutenant Governor is pleased to establish a new Sub-Division consisting of the Thannahs Bhurtpore, Gokurn, and Govindpore, *alias* Sherpore, in the district of Moorshedabad, with its Head Quarters at Jammoorkandi, to be called the Jammoorkandi Sub-Division.

E. H. LUSHINGTON,

In charge of the Office of Secretary to the Govt. of Bengal at the Presidency.

No. 80.

Comparative Register of Revenues and Charges of the Bengal Government for the years from 1853-54 to 1855-56, prepared agreeably to the orders of Government dated 19th September 1854.

Receipts.	1853-54.	1854-55.	1855-56.	Disbursements.	1853-54.	1854-55.	1855-56.
Mint ..	6,15,687	4,12,361	11,34,726	Mint ...	3,23,256	2,53,529	3,84,805
Miscellaneous General...	2,46,432	6,15,717	9,52,219	Post Office ...	5,51,107	5,95,028	6,94,613
Post Office ...	4,93,998	5,71,463	5,23,336	Stamps ...	1,05,670	1,14,743	1,02,922
Stamps ...	21,88,054	22,66,698	21,43,33[illegible]	Territorial & Nizamut Stipend	12,57,636	12,27,6[illegible]9	10,88,694
Judicial ...	11,74,665	11,78,252	12,90,03[illegible]	Political Stipends, Pensions, and Charitable Allowances	6,18,178	7,90,648	11,99,770
Land Revenue ...	3,78,30,829	3,75,78,863	3,75,68,89[illegible]	Sayer Compensation ...	71,239	69,683	60,873
Abkarree ...	32,22,903	34,86,002	37,99,22[illegible]	General ...	35,78,779	36,56,285	40,61,561
Sayer ..	4,82,935	9,17,151	7,79,488	Judicial ...	77,99,876	77,71,240	79,87,247
Miscellaneous ...	35,953	33,356	43,994	Revenue ...	36,76,854	34,74,638	32,70,442
Customs ...	79,40,303	90,76,506	1,46,99,526	Abkarree ...	6,26,765	6,28,713	6,89,765
Salt ..	1,88,29,746	1,47,25,686	1,14,65,682	Customs ...	6,99,997	6,25,450	7,08,385
Opium ..	3,80,36,094	3,59,70,493	4,17,12,986	Salt ...	28,09,076	33,72,310	40,87,394
Marine ...	9,03,452	11,19,593	14,68,215	Opium ...	1,38,85,497	1,34,83,961	1,24,34,711
Interest ...	74,044	1,30,061	2,28,163	Marine ...	22,11,703	21,00,658	27,60,211
				Civil Buildings ...	22,57,707	41,97,945	58,66,355
				Interest ...	38,500	92,189	3,717
	10,70,74,996	10,80,82,202	11,78,10,316		4,05,11,840	4,27,54,629	4,53,51,465

E. H. LUSHINGTON,
In charge of the Office of Secy. to the Govt. of Bengal at the Presidency.

Orders by the Hon'ble the Lieutenant-Governor North-Western Provinces.

No. 304 A. of 1857.

Judicial Department,
Head Quarters, the 13th February 1857.

Appointments.—Moonshee Sheopershad, Deputy Collector and Deputy Magistrate of Calpee, to be Register of Deeds for that Pergunnah.

The 14th February 1857.

No. 55 B. of 1857.

Mr. H. E. Perkins, to be an Assistant in the Benares Division.

No. 58 B. of 1857.

Mr. William Christian Watson, to officiate as Magistrate and Collector of the Allygurh District, on the departure of Mr. G. P. Money, on leave, until further orders.

No. 61 B. of 1857.

General Department.

Mr. William Christian Watson, to officiate as Marriage Registrar in the District of Allygurh, on the departure of Mr. G. P. Money, on leave, until further orders.

C. B. Thornhill,
Offg. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 19th February 1857.

No. 277 of 1857.—The following Notification, from the Foreign Department, is published in General Orders:—

No. 787 dated 17th February 1857.—The Governor General in Council is pleased to appoint Captain H. Hopkinson, Commissioner of Arracan, to officiate as Commissioner of the Tenasserim and Martaban Provinces, during the absence, on leave, of Colonel Sir A. Bogle.

No. 278 of 1857.—The following Notification, from the Home Department, is published in General Orders:—

No. 296 A. dated 13th February 1857.—The following extract, (para. 1), from a Despatch No. 124 of 1856, dated the 17th December, from the Hon'ble the Court of Directors, is published for general information:—

Para. 1. "We have the satisfaction to inform "you, that Her Majesty has been pleased to confer "the honor of Knighthood upon Surgeon William "Brooke O'Shaughnessy, the Superintendent of "Electric Telegraphs."

No. 279 of 1857.—The Pay, Batta, and other Allowances, for February 1857, of the Troops at the Presidency and at the other Stations of the Army, will be issued on or after Monday, the 9th Proximo.

No. 280 *of* 1857.—Naib Ressaldar Assudally Khan, of the 16th Regiment Irregular Cavalry, is permitted to resign the Service of the East India Company from the date of publication of this Order at the Head Quarters of the Corps.

No. 281 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Captain and Brevet Major Sidney Joseph Hire, of the 22nd Regiment Native Infantry, Commandant of the 3rd Irregular Cavalry, ...	For fifteen months, under the new Regulations.

No. 282 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Colonel John Theophilus Boileau, of the Corps of Engineers, Chief Engineer Department of Public Works, North-Western Provinces, ...	For two years, under the new Regulations.

No. 283 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Bombay.
Captain Andrew Simpson Smith, of the 24th Regiment Native Infantry, on leave for eighteen months—Bombay Government General Order of 3rd August 1855, and Government General Order No. 1427, dated 18th November 1856, ...	6th Feb. 1857.

Fort William, 20th February 1857.

No. 284 *of* 1857.—The leave of absence, on Medical certificate, to visit the Hills North of Deyrah, granted to Captain F. N. Edmonstone, of the 4th Regiment Light Cavalry (Lancers), Deputy Pay-master, Cawnpore Circle, in Government General Order No. 713, of the 9th May last, is extended from the 18th November 1856 to the 5th January 1857.

No. 285 *of* 1857.—Lieutenant Andrew Basilico, of the 11th Regiment Native Infantry, is permitted to resign the Service of the East India Company, with effect from the 1st Instant.

No. 286 *of* 1857.—The Right Hon'ble the Governor General of India in Council, is pleased to make the following promotion :—

11th Regiment Native Infantry.

Ensign William Wheler Hume, to be Lieutenant, from the 1st February 1857, *vice* Lieutenant Andrew Basilico, resigned.

No. 287 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant John Arthur Henry Moore, of the 23rd Regiment Native Infantry Adjutant of the Shekhawattee Battalion, ...	For fifteen months, under the new Regulations.

No. 288 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs :—

Lieutenant John Carstairs McNeill, of the 12th Regiment Native Infantry, ...	For one year, without pay.

No. 289 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment, without prejudice to their rank, by permission of the Hon'ble the Court of Directors :—

	Date of arrival at Fort William.
Captain Marcus Augustus Garstin, of the 73rd Regiment Native Infantry, ...	16th February 1857.
Lieutenant Francis J. Conway Gordon, of the 6th Regiment Native Infantry, ...	

No. 290 *of* 1857.—Sub-Conductor Thomas Clinton, of the Army Commissariat Department, is permitted to retire from the Service on the pension of his rank, and to reside and draw his stipend in India.

No. 291 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant William Lumley Louis, of the 42nd Regiment Light Infantry, ...	For 15 months, under the new Regulations.

No. 292 *of* 1857.—The Right Honorable the Governor General of India in Council is pleased to assign rank to the under-mentioned 2nd Lieutenants, Cornet, Ensigns and Assistant Surgeons, from the dates specified opposite to their respective names :—

Artillery.

2nd Lieutenant Edward Trevor Hume, (not arrived), 12th December 1856.

2nd Lieutenant John Nickleson Martin, (not arrived), 12th December 1856.

2nd Lieutenant Thaddeus Ryan, (not arrived), 12th December 1856.

2nd Lieutenant George Maguire Wellington Sotheby, (not arrived), 12th December 1856.

2nd Lieutenant James Henry Knox, (not arrived) 12th December 1856.

2nd Lieutenant Frederick William Burney, (not arrived), 12th December 1856.

2nd Lieutenant William O'Brien, (not arrived), 12th December 1856.

2nd Lieutenant Alexander Walker, (not arrived), 12th December 1856.

2nd Lieutenant Henry Girardot, (not arrived), 12th December 1856.

Engineers.

2nd Lieutenant John Greenlaw Forbes, 9th December 1854.

Cavalry.

Cornet Arthur George Webster, 20th December 1856.

Infantry.

Ensign Arthur Donald Butter, 12th December 1856.

Ensign Henry Algernon Shaw, (not arrived), 12th December 1856.

Ensign Henry Lewin Marsh, (not arrived), 12th December 1856.

Ensign George Dukinfield Astley Younghusband, 12th December 1856.

Ensign Alexander Shaw, (not arrived), 12th December 1856.

Ensign Reginald Sutherland Byrne, 13th December 1856.

Ensign Clement Pigou, 13th December 1856.

Ensign Lionel Smith, 13th December 1856.

Ensign Wynyard Huddleston Warner, 13th December 1856.

Ensign Henry Marsh Pratt, 13th December 1856.

Ensign Edmund Swetenham, 13th December 1856.

Ensign Charles Henry Cantor, 13th December 1856.

Ensign Dravcott de la Garde Birkett, (not arrived), 13th December 1856.

Ensign Alfred Goldney, (not arrived), 13th December 1856.

Ensign James Jenkins Blair, 13th December 1856.

Ensign George William Holdsworth, 13th December 1856.

Ensign Robert Allen Stevens, 13th December 1856.

Ensign William James Forlong, 13th December 1856.

Ensign Henry Sullivan Jarrett, (not arrived), 13th December 1856.

Ensign Leopold Exxel Evans, 13th December 1856.

Ensign Leopold John Herbert Grey, 13th December 1856.

Ensign Wardlaw Cortlandt Anderson, 13th December 1856.

Ensign Henry Hamer Stansfeld, 13th December 1856.

Ensign Patrick Carfrae Dalmahoy, 13th December 1856.

Ensign Henry Goschen, 13th December 1856.

Ensign Robert Loveday Inglis, 13th Dec. 1856.

Ensign Robert Cecil Clifford, (not arrived), 13th December 1856.

Ensign John Williams Grant, (not arrived), 13th December 1856.

Ensign Richard Newcomen Evans, (not arrived), 13th December 1856.

Ensign Charles James Garstin, 20th Dec. 1856.

Ensign Herbert Durnford, 20th December 1856.

Ensign James Frederic Elton, 20th December 1856.

Ensign Connel O'Donel, 20th December 1856.

Ensign Henry Bristow Sanderson, 20th December 1856.

Ensign Alan Murray, 20th December 1856.

Ensign George Farquhar Irving Graham, 20th December 1856.

Ensign John Tierney Davidson, 20th December 1856.

Ensign George Atkins, 20th December 1856.

Ensign Alfred Mansell Angelo, 20th December 1856.

Ensign George Battye Fisher, 20th December 1856.

Ensign Horace Christopher Fagan, 20th December 1856.

Medical Department.

Assistant Surgeon Hickman Rose Daniell, (not arrived), 21st September 1856.

Assistant Surgeon William Roche Rice, M. D., 20th November 1856.

Assistant Surgeon Frederick Bushman, 4th December 1856.

Assistant Surgeon Henry Thomas Cary, 4th December 1856.

Assistant Surgeon Richard Theophilus Abbott, M. D., (not arrived), 10th December 1856.

Memorandum.—The above-named Assistant Surgeons not having proceeded from Europe within the period allowed for their embarkation, their names are, by order of the Honorable the Court of Directors, struck out of Lists Nos. 3 and 4 of 1856, and the assignment of their rank, published respectively in Government General Order No. 1099 and 1341, of the 19th August and 28th October last, is hereby cancelled.

No. 293 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotions and alterations of Rank :—

Regiment of Artillery.

Captain and Brevet Major Zachary Mudge Mallock, to be Major, from the 17th November 1856, *vice* Major and Brevet Lieutenant Colonel Francis Kejan Duncan, retired.

1st Lieutenant and Brevet Captain Samuel Stallard, to be Captain, from the 17th November 1856, *vice* Captain and Brevet Major Zachary Mudge Mallock, promoted.

1st Lieutenant and Brevet Captain Henry Francis, to be Captain, *vice* Captain and Brevet Lieutenant Colonel Edward Griffith Austin, retired, with rank from the 1st February 1857, *vice* Captain and Brevet Major Richard Horsmonden Baldwin, retired.

2nd Lieutenant George Rennie Manderson, to be 1st Lieutenant, from the 17th November 1856, *vice* 1st Lieutenant and Brevet Captain Samuel Stallard, promoted.

2nd Lieutenant Henry Moubray Cadell, to be 1st Lieutenant, *vice* 1st Lieutenant and Brevet Captain Henry Francis, promoted, with rank from the 13th January 1857, *vice* 1st Lieutenant Thomas Holmes Bosworth, deceased.

2nd Lieutenant John McKenzie Fraser, to be 1st Lieutenant, *vice* 1st Lieutenant Patrick Alexander Agnew, resigned, with rank from the 1st February 1857, *vice* 1st Lieutenant and Brevet Captain Henry Francis, promoted.

16th Regiment Native Infantry (Grenadiers.)

Lieutenant George Foster (deceased) to be Captain of a Company, from the 22nd October 1855, *vice* Captain and Brevet Lieutenant Colonel Dacres Fitzherbert Evans, retired.

Lieutenant John James Dansey, to be Captain of a Company, from the 23rd November 1856, for the augmentation.

Ensign George Gordon Young, to be Lieutenant, from the 23rd November 1856, *vice* Lieutenant John James Dansey, promoted, for the augmentation.

Infantry.

Major and Brevet Lieutenant Colonel William Robert Dunmore, to be Lieutenant Colonel, ...

31st Regiment Native Infantry.

Captain and Brevet Major William Philip Hampton, to be Major, ...

Lieutenant and Brevet Captain Henry Finch, to be Captain of a Company, ...

Ensign Francis Henry Massey Sitwell, to be Lieutenant, ...

} In succession to Lieutenant Colonel Henry Foquett, retired, with rank from the 28th November 1856, *vice* Lieutenant Colonel and Brevet Colonel Sir Justin Sheil, K. C. B. and K. L. S., promoted.

36th Regiment Native Infantry.

Lieutenant Melville Francis Evatt, to be Captain of a Company, *vice* Captain and Brevet Lieutenant Colonel John James Hamilton, retired, with rank from the 26th December 1856, *vice* Captain and Brevet Lieutenant Colonel John Lang, retired.

Ensign Ayrton Pullan, to be Lieutenant, from the 26th December 1856, *vice* Lieutenant Melville Francis Evatt, promoted.

ALTERATION OF RANK.

Corps.	Rank and Names.	To rank from.	In whose room.
Artillery Regiment	Captain F. Alexander ..	8th June 1856	Captain and Brevet Lieut.-Colonel E. G. Austin, retired.
Ditto	Captain H. J. B. Macleod ..	26th June 1856	Captain and Brevet Major J. Brind, promoted.
Ditto	1st Lieutenant C. A. Gaskoin ..	5th Dec. 1854	1st Lieutenant P. A. Agnew, resigned.
Ditto	„ W. Clephane ...	31st Dec. 1854	1st Lieutenant R. M. Paton, promoted.
Ditto	„ T. Nicholl ..	20th Feb. 1855	1st Lieutenant S. C. Woodcock, promoted.
Ditto	„ St. George Ashe ..	24th March 1855	1st Lieutenant C. W. Timbrell, promoted.
Ditto	„ C. W. Maynard ..	28th May 1855	1st Lieutenant E. A. C. D'Oyly, promoted.
Ditto	„ E. Tierney ...	24th June 1855	1st Lieutenant G. Milligan, deceased.
Ditto	„ A. H. Lindsay .	12th July 1855	1st Lieutenant F. H. Hebbert, deceased.
Ditto	„ H. S. Forbes .	22nd August 1855	1st Lieutenant W. A. Mackinnon, promoted.
Ditto	„ F. R. Butt .	2nd Oct. 1855	1st Lieutenant W. Ingilby, resigned.
Ditto	„ T. P. Smith ..	15th Oct. 1855	1st Lieutenant W. B. Marshall, promoted.
Ditto	„ A. Rotton ..	23th Oct 1855	1st Lieutenant B. R. Williams, resigned.
Ditto	„ E. L. Earle ..	30th Oct. 1855	1st Lieutenant W. K. Fooks, promoted.
Ditto	„ E. H. Willoughby ..	16th Nov. 1855	1st Lieutenant W. Miller, retired.
Ditto	„ G. C. Depree .	1st Jan. 1856	1st Lieutenant J. S. Nares, deceased.
Ditto	„ G. M. Dobbin .	21st Jan. 1856	1st Lieutenant . V. Bowie, promoted.
Ditto	„ C. J. Mead ..	7th May 1856	1st Lieutenant A. Lambert, retired
Ditto	„ T. E. Dickins ..	18th May 1856	1st Lieutenant F. F. Remmington, promoted.
Ditto	„ J. Percivall ..	8th June 1856	1st Lieutenant H. R. Courtenay, promoted.
Ditto	„ P. C. Anderson ..	8th June 1856	1st Lieutenant F. Alexander, promoted.
Ditto	„ M. M. FitzGerald ..	26th June 1856	1st Lieutenant H. J. B. Macleod, promoted.
Ditto	„ J. A. H. Eckford ..	9th Sept. 1856	1st Lieutenant H. Montgomery, deceased.
16th N. I. (Grenadrs)	Lieutenant W. W. Boddam ..	22nd Oct. 1855	Lieutenant G. Foster (deceased), promoted
Ditto	Captain G. B. Wainwaring ..	1st Oct. 1856	Captain G. Foster, deceased.
Ditto	Lieutenant . Stewart ..		
Infantry	Lieutenant-Colonel T. Plumbe ..	11th Nov. 1856	Lieutenant-Colonel H. Foquett, retired.
27th N. I.	Major R. S. Simpson ..		
Ditto	Captain H. A. Dorin ..		
Ditto	Lieutenant G. H. Basevi ..		
Ditto	Captain E. G. Langmore ..	23rd Nov. 1856	For the augmentation.
Ditto	Lieutenant F. M. Armstrong .		
36th N. I.	Captain H. Raban ..	9th Oct. 1856	Capt. and Brevet Lieut.-Col. J. J. Hamilton, retired.
Ditto	Lieutenant A. W. Craigie ...		
Ditto	Captain H. M. Garstin ..	23rd Nov. 1856	For the augmentation.
Ditto	Lieutenant C. E. Bates ...		

N. B.—The rank of Captain by Brevet, assigned to 1st Lieutenants H. J. B. Macleod and S. Stallard, of the Regiment of Artillery, in Government General Order No. 1536, of the 12th December 1856, is hereby cancelled.

No. 294 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant Thomas Carnegy Anderson, of the 12th Regiment Native Infantry, ... } For 3 years, under the old Regulations.

No. 295 *of* 1857.—2nd Lieutenant George Grant Gordon, of the Regiment of Artillery, is allowed leave of absence from the 20th Instant to the 20th April next, to visit Bombay, preparatory to applying for leave of absence on Sick certificate to Europe under the new Regulations.

No. 296 *of* 1857.—The Right Honorable the Governor General of India in Council, is pleased to make the following promotion :—

Medical Department.

Assistant Surgeon Peter Goodall Lay, to be Surgeon, from the 13th of February 1857, *vice* Surgeon Graham Lacon, M. D., deceased.

P. J. H. BIRCH, *Colonel,*

Secy. to the Govt. of India,

in the Mily. Dept.

List of Packages lying unclaimed on the Custom House Wharf.

Date of Landing.		Mark or Address of Packages.	Ships.
1856 July ..	24th,	1 Case unknown, marked G and G in diamond A, No. 3, ...	Gleaner.
Ditto ..	31st,	3 Casks ditto, marked R S M & S 50 in diamond, 2189-91	Nile.
Ditto ..	„	3 Cases ditto, marked 2180-88 in diamond, ...	Ditto.
August ..	4th,	5 Barrels Gunpowder, marked 40 in diamond, S D & Co	Bucephalus.
Ditto .	„	4 Barrels ditto, marked 17 in diamond, W T F, ...	Ditto.
Ditto ..	6th,	3 Small Bags Pepper and 1 Bag Betel-nuts, ...	Alert.
Ditto ..	8th.	6 Crates Merchandise, marked B. N., ...	Cumberland.
Ditto ..	11th,	130 Bundles and 21 Bars Iron, no mark, ...	Contest.
Ditto ..	21st,	5 Bars Iron, do., ...	John MacVicar.
Ditto ..	23rd,	1 Package Sample, J. G. Bagram, Esq., ...	Str. Lancefield.
Ditto ..	29th,	1 Case Merchandise, R. B. Oakley, Esq., ...	Mallard.
Sept., ..	5th,	3 Butts Merchandise, marked E I F B S, Nos. 1 to 3, ...	Bucephalus.
Ditto ..	6th,	3 Bars Iron, no mark, ...	Earl of Shaftesbury.
Ditto ..	9th,	1 Bundle Rod Iron, no mark, ...	Toft Combs.
Ditto ..	10th,	5 Butts Merchandise, marked E I F B S, Nos. 4 to 8, ...	Bucephalus.
November	5th,	2 Slabs Spelter, marked C. R., ...	Caribon.
Ditto ..	12th,	7 Bags Wet Dates, no mark, ...	Fazie Rahman.
1857 January .	3rd,	1 Parcel unknown, D. Wilson and Co., ...	Str. Fiery Cross.
Ditto ..	21st,	1 Case Merchandise, J W H L, ...	Queen.
Ditto ..	23rd,	1 Cask ditto, no mark, ...	Ditto.
Ditto ..	27th,	5 Pieces Spelter, marked H V B, ...	Electric.
Ditto ...	28th,	2 Cases unknown, P. McDonald and Co., ...	Prince of Wales.
Ditto ..	„	1 Box ditto, marked J F No. 4, ...	Ditto.
Ditto ...	„	2 Boxes ditto, no mark, ...	Ditto.
Ditto ..	„	1 Parcel ditto, marked M G R in square, No. 3122-37, ...	Str. Robert Lowe.
Ditto ..	„	1 Case ditto, F. W. Dunn, Esq, ...	Ditto.
Ditto ..	„	1 Parcel ditto, C. Knatchball, Esq., ...	Ditto.
February..	4th,	1 Box Segars, marked H A L C	Sir Charles Napier.
Ditto ...	11th,	1 Case unknown, Row, Esq, 75th Regiment, ...	Marlborough.

* In the Moyapore Magazine.

G. D. Wilkins,

Collector of Customs.

Calcutta; Custom House,
The 20th February 1857.

Notice.

THE General Treasury will be closed on Monday, the 23rd instant, on account of the Hindoo Holiday, Sheebo Rattree.

J. I. HARVEY,

GENERAL TREASURY, *Sub-Treasurer.*
The 10th February 1857.

SEALED TENDERS will be received by the Civil Architect, in his Office, in Calcutta, No 42, Park Street, up to 4 P. M, on Monday 2nd March 1857, for the purchase and removal of the Materials composing the Residence of the Governor of the Great Jail at Calcutta.

Time for Execution—6 Weeks.

The Sketch of the Building can be seen, and further information obtained on personal application at the Civil Architect's Office.

A deposit in Cash of 500 Rupees is required with each Tender, returnable on rejection of Tender or after completion of Contract, or in the event of non-fulfilment within the stated time to be at the disposal of the Civil Architect to cover expences in completing the removal of Materials and Rubbish.

C. B. YOUNG, *Captain,*
Civil Architect.

SEALED TENDERS will be received by the Civil Architect, in his Office, in Calcutta, No. 42, Park Street, up to 4 P. M., on Wednesday, 25th February 1857, for the purchase and removal of the materials composing the Old Guard-House and part of the Cook Rooms attached to the General Treasury at Calcutta.

Time for Execution (3) three weeks.

The Sketch of the Building can be seen, and further information obtained, on personal application, at the Civil Architect's Office.

A deposit in Cash of (200) Two Hundred Rupees is required with each Tender, returnable on rejection of Tender, or after completion of the Contract, or in the event of non-fulfilment within the stated time, to be at the disposal of the Civil Architect to cover expenses in completing the removal of the materials and rubbish.

C. B. YOUNG, *Captain,*
Civil Architect.

Notice.

CERTAIN EFFECTS, belonging to the Estate of the late Mr. Matthew Herring, are under the Seal of this Court, and will, after deducting the necessary expenses, be delivered up to any person duly authorized to receive the same.

M. SHAWE,
Offg. Judge.

Notice.

REQUIRED in the Office of the Commissioners of Chota Nagpore, a European Jailor, capable of conducting the duties of the *Penitentiary* or Agency Jail at Hazaribagh. Salary 100 Rs. per mensem. Unexceptionable Security to the extent of Rs. 1,500 necessary; a Commission on Sales of Manufactures is also at present allowed to the incumbent.

T. SIMPSON,
Pl. Asst. Comr. of Hazaribagh.

PL. ASST. COMMR.'S OFFICE,
Hazaribagh Division,
The 9th February 1857.

For Dacca and Assam.

THE *Thames*, with the *Goomtee* in tow, will leave at noon of the 24th Instant.

For Freight and Passage, apply at the Boat Office.

By Order of the Officiating Superintendent of Marine,

J. WOODLEY,
Clerk of the Govt. Boat Office.

The 19th February 1857.

Ecclesiastical.

THE Reverend Alexander Dunbar Nicolson, M. A., Assistant Chaplain at Akyab, has been appointed a Surrogate for granting Episcopal Licences of Marriage.

By desire of the Bishop. Dated at Calcutta, this Fifth day of February 1857.

WM. HY. ABBOTT,
Registrar and Secretary.

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on, and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.*:

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs, one cowrie, and one krantee share of the sum of

Company's Rupees nine thousand and seventy-two, being the entire sudder jummah or Government Revenue chargeable on the said Estate; that is, Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Bamongachee, Juggutdispore, Dhanookollah, Jonadhunpore, Ramnauthpore, Hurrydebpore, Bhadagovindpore, Joynogare, Earnogore, Malloopore, Buddinauthpore, and Khenpookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Pooalee, Chuckhinda, and Nooabad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *viz.* Nij Kamdauree, Booraul, Rajarampore, Kasherepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgungo, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calcutta, three Mouzahs or Kismuts, *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No. 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the Indigo Factory is built, and also for the Nejabad lands thereto belonging; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3.—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,

H. SWINHOE, *Attorney.* *Master.*

CALCUTTA SUPREME COURT;
Master's Office,
The 13th February 1857.

Court for the relief of Insolvent Debtors at Calcutta.

In the matter of Joygopaul Chatterjee, of Seebpore, in the District of the 24-Pergunnahs, an Accountant, an Insolvent.

On Friday, the 13th day of February instant, it was ordered, that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

C. B. DeVerinne, *Attorney.*

In the matter of Nowrojee Nusserwanjee, of Doomtollah, in Calcutta, formerly Manager of the business of Messrs. D F. Cama and Co., carried on at Shanghai, as Merchants and Agents, afterwards Manager of the same party's house of business at Calcutta, and lately carrying on business in co-partnership with Nowrojee Pestonjee, Cowerjee Bomunjee and Dadabhoy Furdenjee, as Merchants and Agents, under the style of Nusserwanjee and Co., at the same place, a Trader, an Insolvent.

On Friday, the 13th day of February instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Robertson, *Attorney.*

Chief Clerk's Office, 16th February 1857.

In the matter of Frederick Empson, of Copallytollah Lane, in Calcutta, a Section Writer in the Home Department, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk, on the 19th day of February instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Beeby, *Attorney.*

In the matter of Frederick Empson, of Copallytollah Lane, in Calcutta, a Section Writer in the Home Department, an Insolvent

On Friday, the 19th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Beeby, *Attorney.*

In the matter of Frederick Empson, of Copallytollah Lane, in Calcutta, a Section Writer in the Home Department, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting

Commissioner of the Insolvent Court, on Friday, the 27th day of February Instant, at the hour of 10 o'Clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, "desirous of opposing such application, must "appear before the said Court at the time and "place aforesaid.*"

Beeby, *Attorney.*

In the matter of Edward Andrew Martin, of Copallytollah Street, in Calcutta, a Section Writer in the Home Department, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk, on the 17th day of February Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

In the matter of Edward Andrew Martin, of Copallytollah Street, in Calcutta, a Section Writer in the Home Department, an Insolvent.

On Tuesday, the 17th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of Doorga Shaw and Seetul Shaw, Insolvents.

On Saturday, the 7th day of February Instant, by an order of this Court, the said Insolvents were adjudged entitled to their personal discharge, under the Act XI. Vic. cap. XXI., as to all persons named in their Schedule as Creditors, or claiming to be Creditors, respectively, except the debt of Shaik Rohimoollah and Shaik Corim Ellye, the opposing Creditors of the said Insolvents, and as to the claim of the said opposing Creditors, so soon as the said Insolvent Seetul Shaw shall have been in custody at their suit for the period of four calendar months, to be computed from the date of the order.

Insolvent in person.

In the matter of Tarrucknauth Ghose, formerly of Conenuggur, in the District of Hooghly, in the Province of Bengal, but at present of Rajah Rajbullub's Street, in Calcutta, lately carrying on trade and business in co-partnership with Greeschunder Ghose at Conenuggur, under the name, style and firm of Tarrucknauth Ghose and Co., an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 17th day of February Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Paul and Carruthers, *Attorneys.*

In the matter of Donald William Dundas, an Insolvent.

On Saturday, the 7th day of February Instant, by an order of this Court, the said Insolvent was adjudged entitled to his personal discharge, under the Act XI. Vic. cap. XXI., as to all persons named in his Schedule as Creditors, or claiming to be Creditors, respectively.

Insolvent in person.

In the matter of Tarucknauth Ghose, formerly of Conenuggur, in the District of Hooghly, in the Province of Bengal, but at present of Rajah Rajbullub's Street, in Calcutta, lately carrying on trade and business in co-partnership with Greeschunder Ghose, at Conenuggur, under the name, style and firm of Tarrucknauth Ghose and Co., an Insolvent.

On Tuesday, the 17th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Paul and Carruthers, *Attorneys.*

In the matter of Albertina Charlotte Ross, an Insolvent.

On Saturday, the 7th day of February Instant, it was ordered that Saturday. the 7th day of March next, be appointed for the further hearing of this matter, and unless cause be shown to the contrary on that day, the said Insolvent should be discharged personally as well as to her after acquired property from the demands of all the Creditors following, whose names are inserted in the Order Nisi, that is to say, A. M. Varden, Esquire, Romanauth Bose, Surroopchunder Seal, and Nundololl Sein, Gunganarain Gangooly, Messrs Cook and Co., Messrs Hunter and Co., F. W. Brown and Co., Mrs. — Davis, Tarracchund Ghose, Daby Milkman, Urjoon Ghose, Goberdhone Eggman, Jamaul Butcher, Ameer Khansamah, and Jodoo Mosalchee, Bhoobunmohun Boxwallah, Gopoo Tailor, Isserchunder Ghose Narain Boxwallah, Unnuntoram, Seal and Co., Ramanauth Seal and Co., Hingun Clothman, Nemychurn Doss, Punchanund Ghose, Amer Khansamah, Emamee Khidmutgar, Toonoo Khidmutgar, Uchunbee Bearer, Jadoo Mosalchee, Kurreem Mosalchee, Toonoo Baboorchee, Kerpa Sirdar Bearer, Unta Mate Bearer, Kartic Punka Bearer, Dursun Mate Bearer, Toonoo Mather, Luckputtee Mather, Nobin Jemadar, Daby Sing Durwan, Luckee Ayah, Noonun Ayah, Hingun Dhobee, Bhugoban Dhobee, Collychurn Dhobee, Hurry Sirdar Bearer, Jhuppoo Bhistee, Foyjoo Bhistee, Jungoo Bhistee, Joyuddeen Tailor, Jagoo Cooly, Meer Etbarry Kallighur, Koomerudden Khidmutgar, Luckia Metranee, Asroybeer Mather, Boorah Ayah, Choorun Coachman, Bhodoo Syce, Luckynarain Doss Boxwallah, Mr. G. Seconde Hairdresser, the Proprietor of the *Exchange Gazette* Press, and the Proprietor of the *Englishman* Press.

Marshall, *Attorney.*

Chief Clerk's Office, 19th February 1857.

INSOLVENT COURT.

ASSIGNEE'S OFFICE NOTICE.

Pursuant to Act No. XXVII. of 1841.

NOTICE is hereby given, that in the event of no claim being established to the unclaimed Dividends hereunder mentioned within twelve months from this date, such Dividends will be distributed among such of the Creditors of the under-mentioned Insolvent Estates as shall have established their claims against such Estate respectively :—

ESTATE OF KONNOOLAUL AND OTHERS.

Names and descriptions as contained in the Schedule of the parties in respect of whose claims such Dividends are reserved.	Amount of Claims as per Schedule, Sa. Rs.	Amount of 2nd Dividend at 1 Re. 13 As. per 100.	Whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued.
Scheerabsook ...	7758 10 3	140 10 0	Proved.
Ramseebuck and Juddoo Mindun Missers	2917 3 9	52 14 0	Not proved.
Ragoo Baboo Bhatteah ...	6478 13 3	117 6 11	Ditto.
Golaum Mahomed and Hadjie Sonawoollah	979 15 0	17 2 2	Proved.
Neamuttallah ...	501 10 9	9 1 6	Ditto.
Augur Chund Kotaree ...	14576 11 0	264 3 3	Ditto.
Needeelall ...	676 13 0	12 4 4	Not proved.
Brijomohun Poddar's Estate, ...	204 5 0	3 11 3	Ditto.
Budden Chaund Paul and Tilluck Chund Mozemdar	1013 10 0	18 5 11	Proved.
Numia Raur and Chooah Raur ...	169 12 0	3 1 5	Not proved.
Bhojokistno Mullick ...	934 3 3	16 14 10	Proved.
Shah Beharylall and Rogooburdial ..	7800 12 0	141 6 1	Ditto.
Agur Chund Kotaree ...	2100 0 0	38 1 0	Ditto.
Shaik Neela Nubhay ...	2500 0 0	45 5 0	Not proved.
Poonayroo Ahya Somey Moodayloo Yaroo ...	100 0 0	1 13 0	Ditto.
Possaul Tammanah ...	600 0 0	10 14 0	Ditto.
Chilmul Saitee Veeranah ...	800 0 0	14 8 0	Ditto.
Shaik Durvaish ...	33 9 6	0 9 9	Ditto.
Goopee Dutt ...	162 13 6	2 15 2	Proved.
Ramjee Doss ..	516 0 0	9 5 8	Ditto.
Gopaul Doss ...	40 0 0	0 11 7	Not proved.
Hungsorauj ...	100 0 0	1 13 0	Ditto.
Siboo Ghose ...	50 0 0	0 14 6	Ditto.
Beebee Motee Khanum Exix. of Mr. Gillanders	340 8 0	6 2 9	Proved.
George Hudson ...	10 0 0	0 2 11	Ditto.
Prittram Mutterwallah ...	250 0 0	4 8 6	Not proved.
Chillmul Saitee Ramas Samee ...	2000 0 0	36 4 0	Ditto.
Bamokund Doss and Bullub Doss ...	150 0 0	2 11 6	Ditto.
Munnaram Soome Saitee ...	81 9 0	1 7 8	Ditto.
Goluck Abcoondoo ...	15 3 0	0 4 5	Ditto.
Bampoo Shaha, Birjalall Shaha ...	100 0 0	1 13 0	Ditto.
Kinnooree Soranunah ...	64 9 0	1 2 8	Ditto.
Bunkutty Doss and Ameerchaund ...	11 5 6	0 3 3	Ditto.
Munnee Coondoo Jugnehay Cooloo ...	200 0 0	3 10 0	Ditto.
Raid Rout Kistno Samee ...	149 10 3	2 11 5	Ditto.
Aun Jugger Natham ...	35 1 9	0 10 2	Ditto.
Baiddah Bhaddia Chullum ...	13 7 9	0 3 11	Ditto.
Gwoorah Ramah Aukot Roy Cooloo ...	100 0 0	1 13 0	Ditto.
Gurroorah Ram Beermur ...	225 0 0	4 1 3	Ditto.
Gurroorah Triputty Mursayah, ...	300 0 0	5 7 0	Ditto.
Gurroorah Triputty Jugnay Cooloo ...	90 0 0	1 10 1	Ditto.
Gurroorah Jugnayhay Cooloo ...	500 0 0	9 1 0	Ditto.
Guaddur Saha ...	300 0 0	5 7 0	Ditto.
Daby Dyal Misser ...	43 3 9	0 12 7	Ditto.
Nundololl Syloll ...	198 8 6	3 9 8	Ditto.

Names and descriptions as contained in the Schedule of the parties in respect of whose claims such Dividends are reserved.	Amount of Claims as per Schedule, Sa. Rs.	Amount of 2nd Dividend at 1 Re 13 As. per 100.	Whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued.
Hurkissen Dass and Hurgobind Dass, ...	308 12 0	5 9 6	Not proved.
John Atkinson, Agent for Salt Contract, ...	200 0 0	3 10 0	Ditto.
Kotah Coondoo Jugtosh, ...	250 0 0	4 8 6	Ditto.
Abeer Chund Soorujmull, ...	2000 0 0	38 1 0	Proved.

ESTATE OF FREDERICK REGENT ELLIS.

	Claim Sa. Rs.	2nd Dividend at 13 per Cent.	
Amirtha ...	12 0 0	1 8 11	Not proved.
Breromottee ...	1 8 0	0 3 2	Ditto.
Biddee ...	2 8 0	0 5 2	Ditto.
Bowaney ...	84 0 0	10 14 9	Ditto.
Burkinyoung and Company .	10 8 0	1 5 10	Proved.
Dhunneeram ...	12 6 0	1 9 9	Not proved.
Govind Chunder Ghose ...	25 8 9	3 5 1	Ditto.
Gokool ...	3 0 0	0 6 3	Ditto.
Golaub ..	12 0 0	1 8 11	Ditto.
Greenway and Company ...	24 0 0	3 1 11	Proved.
Gunter and Hooper ...	16 0 0	2 1 4	Ditto.
Gibson and Company ...	162 0 0	21 0 11	Ditto.
Mr. Jacques ..	150 5 8	20 3 5	Not proved.
D. Johnstone ...	18 0 0	2 5 5	Ditto.
Jeeun Loll ...	31 10 0	4 1 9	Ditto.
Mr. Jones	16 0 0	2 1 4	Ditto.
Kooseal ...	15 0 0	1 15 2	Ditto.
Kulloo ...	15 0 0	1 15 2	Ditto.
Mr. Lamb ...	44 11 0	5 12 11	Ditto.
Laloo ...	100 12 0	13 1 7	Ditto.
Ludho ...	10 8 0	1 5 10	Ditto.
Ludhea ...	12 0 0	1 8 11	Ditto.
Mackeller and Company ...	452 8 0	58 13 2	Proved.
Matterdeen ...	7 0 0	0 14 7	Not proved.
Munroo and Company ...	94 0 0	12 3 6	Proved.
Mr. Mollnish ...	18 0 0	2 5 5	Not proved.
Nuckebude ...	13 4 0	1 11 8	Ditto.
Nuckehade ...	12 0 0	1 8 11	Ditto.
Ooloss ...	7 0 0	0 14 7	Ditto
T. Ostell ...	12 0 0	1 8 11	Proved.
Ramdial ...	3 0 0	0 6 3	Not proved.
Ramdeen ...	6 0 0	0 12 6	Ditto.
Radamohun Pyne ...	18 0 0	2 5 5	Ditto.
Sillac Ram ...	43 0 0	5 9 5	Ditto.
Silla Bux ...	12 4 0	1 9 5	Ditto.
Seengolam ...	6 5 0	0 13 2	Ditto.
Sookha ...	22 0 0	2 13 9	Ditto.
Samuel Smith and Company ...	18 0 0	2 5 5	Proved.
Torab ...	4 4 0	0 8 10	Not proved.

ESTATE OF JAMES CULLEN.

	Claim, Sa. Rs.	3rd Dividend at 8¾ per Cent.	
R. W. G. Frith, Atty. of G. Scott, Executor	9207 8 0	805 10 6	Not proved.

Estate of M. Chardon.

	Claim Co.'s Rs.	1st Dividend at 7 per Cent.	
Beersaloll Shaw ...	5054 8 2	353 13 1	Not Proved
Cosseenauth Day ...	72 12 0	5 1 6	Ditto.
Gowry Doss ...	2293 15 7	160 9 3	Ditto.
Hollodhur Dutt ...	23 4 0	1 10 1	Ditto.
Jeehary Loll ...	4473 5 4	313 2 2	Ditto.
N. E. Kuhu ...	19 0 0	1 5 3	Ditto.
J. Lowe ...	155 0 0	10 13 7	Ditto.
Moteeloll Seal ...	414 0 0	28 15 8	Ditto.
William Moran ...	185 0 0	12 15 2	Ditto.
Mackenzie, Lyall and Co. ...	15 0 0	1 0 10	Ditto.
H. C. Kemp ...	480 0 0	33 9 7	Ditto.
T. Lackersteen ...	16 5 0	1 2 3	Ditto.

Estate of Charles Trower.

	Claim Co.'s Rs.	1st Dividend at 2 per Cent.	
Beeroo Saha, of Calcutta, Shop-keeper ...	200 0 0	4 0 0	Not Proved.
Bissonath Doss, of Balloor, writer ...	110 0 0	2 3 2	Ditto.
Bussoroodie Chowdry, of Calcutta, Moonshee	300 0 0	6 0 0	Ditto.
Cossissur Mustofee, of Burdwan, Zemindar ...	2000 0 0	40 0 0	Ditto.
Cook and Co., of Calcutta, Stable-keepers ...	200 0 0	4 0 0	Ditto.
Cosseenath Bonnerjee, of Penhatty, Banian	1066 10 8	21 5 4	Proved.
Dabee Das Balmokind, of Calcutta, Banker	2000 0 0	40 0 0	Ditto.
Doorgachurn Dutt, of Calcutta, Banian ...	300 0 0	6 0 0	Not proved.
Doorgadas Bhattacharee, of Cally Ghât ...	200 0 0	4 0 0	Ditto.
Fakerchund Chuckerbutty, of Calcutta, Banian ..	500 0 0	10 0 0	Ditto.
Guddadhur Mitter, of Sealdah, Banian ...	200 0 0	4 0 0	Ditto.
Gorachund Mitter, of Penhatty, Banian ...	1000 0 0	20 0 0	Ditto.
Horaloll Soor, of Calcutta, Writer ...	150 0 0	3 0 0	Ditto.
Herraloll Bysack, of Calcutta, Writer ...	1000 0 0	20 0 0	Ditto.
Hollodhur Doss, of Calcutta, Merchant ...	1763 8 9	35 4 4	Proved.
Hurrish Chunder Ghosal, of Calcutta, Writer	1500 0 0	30 0 0	Not proved.
Jhoroo Sircar, of Calcutta, Shop-keeper ...	150 0 0	3 0 0	Ditto.
Juggoo Bysack, of Calcutta, Writer ...	200 0 0	4 0 0	Ditto.
Issur Chunder Takoor, of Calcutta, Writer ...	100 0 0	2 0 0	Ditto.
Moneeram Sircar, of Calcutta ...	239 0 0	4 12 5	Ditto.
MacIntyre and Co., of Calcutta, Merchants...	674 6 8	13 7 10	Ditto.
Modoo Soodun Mitter, of Calcutta, Banian	750 0 0	15 0 0	Ditto.
Nocoor Chund Sett, of Calcutta, Sircar ...	200 0 0	4 0 0	Ditto.
Rajnarain Roy, Rajah of Andool ...	3000 0 0	60 0 0	Proved.
Rammashur, Ghose, of Calcutta, Shop-keeper	57 0 0	1 2 3	Not proved.
Romanauth Gurgo, Rajah of Tumlook ...	1600 0 0	32 0 0	Ditto.
Ram Gopaul Sein, of Calcutta, Banian ...	200 0 0	4 0 0	Ditto.
Ramchunder Ghose, of Calcutta, Writer ...	100 0 0	2 0 0	Ditto.
Soroop Chunder Dutt, of Calcutta, Shop-keeper ...	700 0 0	14 0 0	Ditto.
Syed Abdool Mujeed, of Hooghly ...	1400 0 0	28 0 0	Ditto.
Sumbhoo Chunder Sircar, of Sibpore, Sircar	618 10 8	12 5 11	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Sircar	200 0 0	4 0 0	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Writer	200 0 0	4 0 0	Ditto.
Soorjee Coomar Sett, of Calcutta, Sircar .	150 0 0	3 0 0	Ditto.
Takoor Doss Mistry, in 24-Pergunnahs ...	350 0 0	7 0 0	Ditto.
Modoosoodun Ghose, in 24-Pergunnahs ...	200 0 0	4 0 0	Ditto.

ESTATE OF J. L. M. BEAUMONT.

	Claim Co.'s Rs.	1st Dividend at 12 per Cent.	
Abdool Curreem, of Cawnpore ...	47 0 0	5 10 2	Not proved.
Agra Press, of Agra ...	200 0 0	24 0 0	Ditto.
Basaisa, of Cawnpore ..	40 0 0	4 12 10	Ditto.
Bindabun Mullick, of Allahabad ...	33 12 0	4 0 9	Ditto.
Dalamull, of Cawnpore ..,	650 12 0	78 1 5	Ditto.
Lieut. R. Douglas, H. M. 16th Foot, Cawnpore	22 0 0	2 10 3	Ditto.
Mr. D'Costa, of Entally, Calcutta ...	360 0 0	43 3 2	Ditto.
Gungapersaud, of Cawnpore ...	496 3 0	59 8 7	Ditto.
Gunnasy, of Cawnpore ..	40 0 0	4 12 10	Ditto.
Narain Doss, of Cawnpore ...	22 0 0	2 10 3	Ditto.
Peerbux, of Cawnpore ...	16 0 0	1 14 8	Ditto
Rajkissore of Cawnpore ...	8 0 0	0 15 5	Ditto.

ESTATE OF MICHAEL SCHLATTER.

	Claim Co.'s Rs.	1st Dividend at 7½ per Cent.	
J. C. Abbott, of Baushbariah, Indigo Planter	43 1 6	3 3 9	Not proved.
Boyd and Co., Secretaries, Commercial Insurance Company ...	2233 13 0	167 8 7	Ditto.
A. H. Sein, of Calcutta, Accountant ...	1875 0 0	140 10 0	Ditto.
Brigadier Tombs ...	1250 0 0	93 12 0	Ditto.
Gavin Young ...	1093 12 0	82 0 6	Ditto.
Macaire and Co, of Constance, in Germany	109 6 10	8 3 4	Ditto.
Captain John Seager, of Calcutta, Mariner	522 7 7	39 3 0	Ditto.
Captain James Ricket ...	378 6 3	28 6 0	Ditto.
Pasquale Banner and Co., of Florence ...	31 1 0	2 5 3	Ditto.
Gordon and Sons, of London ...	350 0 0	26 4 0	Ditto.
Captain Macfarlane, for the Barque *Indus* ...	3751 14 6	281 6 3	Ditto.
Captain Macfarlane, for ditto ..	238 8 0	17 14 2	Ditto.
Captain Stavers, Master, Barque *Cowasjee Family* ...	1142 13 8	85 11 5	Ditto.
Captain Stavers, Master ditto ...	50 0 0	3 12 0	Ditto.
Peter Bonnaud, of Calcutta, Merchant ...	279 12 2	20 15 9	Ditto.
E. J. Smith ...	5714 4 7	428 9 2	Ditto.
Major W. Grant ...	1142 13 8	85 11 5	Ditto.
Hansen and Co., of England ...	800 0 0	60 0 0	Ditto.
Estate of Captain R. Pyne ...	1788 8 3	184 2 3	Ditto.
G. W. Duncan, of Calcutta ...	250 2 8	18 15 0	Ditto.
Cosseenauth Chatterjee, Sircar ..	25 0 0	1 14 0	Ditto
Hurry Sing, Durwan ...	10 0 0	0 12 0	Ditto.

ESTATE OF W. H. GILBERT.

	Claim Co.'s Rs.	1st Dividend at 12 per Cent.	
Budden Chunder Sircar ...	2 8 0	0 4 10	Not proved.
Gunganarain Mullick and Co., Old China Bazar ...	50 0 0	6 0 0	Ditto.
Helasseeloll and Company ...	115 0 0	13 12 10	Ditto.
Roy Churn, Leatherman ...	15 0 0	1 12 10	Ditto.

Estate of C. L. Edwards.

	Claim Co.'s Rs.	1st Dividend at 20 per Cent.	
Ameeroody ...	7 3 6	1 7 1	Not proved.
Mrs. Eliza Blunt ...	37 0 0	7 6 5	Ditto.
Bindabun Mullick ...	150 0 0	30 0 0	Ditto.
Bowannee ...	121 9 7	24 5 1	Ditto.
W. C. Crane ...	35 2 0	7 0 5	Ditto.
Mrs. Carshore ...	172 10 0	34 8 5	Ditto.
Mr. Hatton ...	20 0 0	4 0 0	Ditto.
Mr. Hickworth ...	68 6 0	13 10 10	Ditto.
Jones and Company ...	268 8 0	53 11 3	Ditto.
D. E. Mallock, for Frith and Gordon ...	15 6 0	3 1 2	Ditto.
Mortimer and Company ...	10 0 0	2 0 0	Ditto.
Mackellar and Company ...	46 0 0	9 3 2	Ditto.
Ramdhun ...	80 0 0	16 0 0	Ditto.
R. Swinhoe, Executor of Mrs. Gillanders ...	138 10 8	27 11 8	Proved.
H. G. Statham ...	54 8 0	10 14 5	Ditto.
Mr. Spence ...	21 0 0	4 3 2	Ditto.
H. Tandy ...	60 4 0	12 0 10	Not proved.
Watkins, Cliff and Company ...	17 1 1	3 6 7	Proved.
J. H. Wilson ...	23 12 0	4 12 0	Not proved.
Mr. Wilkinson ...	23 15 0	4 12 7	Ditto.

Estate of J. E. Cheetham.

	Claim Sa. Rs.	1st Dividend at 20 per Cent.	
Comul Baboo ...	239 14 0	47 15 7	Not proved.
Captain Niel Stewart ...	515 14 0	103 2 10	Ditto.
Mr. Rozario ...	36 0 0	7 3 2	Ditto.
Servants under Military Court of Requests ...	638 14 1	127 12 5	Ditto.

Estate of Thomas Philpot.

	Claim Sa. Rs.	2nd Dividend at 20 per Cent.	
Cannoo Doss ...	16 0 0	3 3 2	Not proved.
Co-Operative Society ...	35 0 0	7 0 0	Proved.
Gungaram ...	38 0 0	7 9 7	Ditto.
Hurry Hur Doss ...	8 0 0	1 9 7	Not proved.
Juggomohun Seal ...	24 0 0	4 12 10	Ditto.
Kessub Doss ...	5 0 0	1 0 0	Proved.
Kooroonoo Mauther ...	55 0 0	11 0 0	Not proved.
Munnee Khanum ...	260 0 0	52 0 0	Ditto.
Ann Harriet Preston ...	36 0 0	7 3 2	Ditto.
Ruggoo Doss ...	16 0 0	3 3 2	Proved.

Estate of H. A. Elliott.

	Claim Co.'s Rs.	1st Dividend at 10 per Cent.	
Baboo Colly Coomar Chatterjee	101 5 4	10 2 1	Not proved.
Bourkey and Company ...	40 0 0	4 0 0	Ditto.
Barrett and Company ..	19 3 2	1 14 9	Ditto.
N. M. D. Estival ...	183 7 6	18 5 6	Ditto.
Gungaram Mullick ...	10 10 8	1 1 0	Ditto.
Goloke ...	13 0 0	1 4 10	Ditto.
George Samuel ...	42 0 0	4 3 2	Ditto.
James Hypher ...	38 8 0	3 13 7	Proved.
Mark Jones ..	165 0 0	16 8 0	Ditto.
Kanunal and Company ...	288 0 0	28 12 9	Not proved.
Laul Chund ...	8 0 0	0 12 10	Ditto.
Munnaloll ...	16 0 0	1 9 7	Ditto.
Mutafa Khan ...	41 5 3	4 2 1	Ditto.
Rajoo ...	13 0 0	1 4 10	Proved.
Ramchund ...	12 12 10	1 4 6	Not proved.
Seetanund Mozoomdar ...	9 12 0	0 15 7	Ditto.
Syfoo ...	25 0 0	2 8 0	Ditto.
A. White ...	67 3 2	6 11 6	Proved.

Estate of Connylaul Burraul and another.

	Claim Sa. Rs.	2nd Dividend at 2½ per Cent.	
Bindabun Mitter's son, Russickloll Mitter ...	1523 6 0	38 1 4	Not proved.
Bhogaban Doss' Estate ...	153 0 0	3 13 2	Ditto.
Buddinauth Paul Chowdry's Estate ..	5 0 0	0 2 0	Ditto.
Beelautee Khanum Beebee, of Chinsurah ...	210 0 0	5 4 0	Ditto.
Bhowanny Dean, of Calcutta, Peon ...	10 0 0	0 4 0	Ditto.
Bissonauth Ghose, of Calcutta, Gowallah ...	3 0 0	0 1 2	Ditto.
Collypersaud Mookerjee's Estate ...	10 11 0	0 4 3	Ditto.
Callykisto Ghose, of Simla, Banian ...	1491 12 0	37 4 8	Ditto.
Chuckoo Paul, of Calcutta, Gomasta ...	68 8 9	1 11 5	Ditto.
Colly Tohalia, of Calcutta, Khansamah ...	3 0 0	0 1 2	Ditto.
Dennaram Tewarry, of Calcutta, Peon ...	62 0 0	1 8 10	Ditto.
Dhurundas Paul, of Calcutta, Khansamah...	4 0 0	0 1 7	Ditto.
Gooroopersaud Dutt, of Calcutta, Banker ...	450 0 0	11 4 0	Ditto.
Govind Chunder Bhunjee ...	500 0 0	12 8 0	Ditto.
Govind Chunder Dhur ...	126 10 0	3 2 8	Ditto.
Gungapersaud Ghose, of Calcutta, Banker ...	30 0 0	0 12 0	Ditto.
Goverdhone, of Calcutta, Gomasta ...	18 7 0	0 7 5	Ditto.
Hurrokisto Sett's widow, Siboo Soondry Dossee	5 0 0	0 2 0	Ditto.
Kistno Churn Paul, of Chinsurah, Gomasta ...	4 0 0	0 1 7	Ditto.
Kistnokissore Dutt, of Calcutta, Gomasta ...	2 4 0	0 0 11	Ditto.
Mookta Dossee ...	2400 0 0	60 0 0	Ditto.
Estate of Moheschund Day and others ...	954 0 0	23 13 7	Ditto.
Moheschunder and Rajchunder Sandell, of Calcutta, Sircars ...	237 0 0	5 14 10	Ditto.
Nobongo Dossee ...	200 0 0	5 0 0	Ditto.
Nemychurn Day's Estate ...	165 0 0	4 2 0	Ditto.
Nobokissore Mullick, of Calcutta, Householder ...	5 0 0	0 2 0	Ditto.
Nobokissore Chuckerbutty, of Calcutta, Gomasta ...	9 0 0	0 3 7	Ditto.
Nophur Nye, of Calcutta, Khansamah ...	2 0 0	0 0 10	Ditto.
Olongo Dossee, of Chinsurah, Widow ..	100 0 0	2 8 0	Ditto.

ESTATE OF CONNYLAUL BURRAUL AND ANOTHER.—*(Continued.)*

	Claim Sa. Rs.	2nd Dividend at 11 per Cent.	
Pearee Dossie ...	600 0 0	15 0 0	Not proved.
Prankissen Seal, of Calcutta, Sircar ...	168 1 9	4 3 3	Ditto.
Punchanund Mitter, of Calcutta, Banian ...	3 0 0	0 1 3	Ditto.
Rungoo Dabee ...	800 0 0	20 0 0	Ditto.
Radakissen Mitter, of Calcutta, Banian ...	3176 10 9	79 6 8	Ditto.
Radhakantjee Idol ...	1027 0 0	25 10 10	Ditto.
Ramrutton Mookerjee, of Calcutta, Zemindar	34 10 0	0 13 10	Ditto.
Russickloll Burraul, of Calcutta, Banian ...	221 0 0	5 8 5	Ditto.
Rausbeharry Addy ...	42 4 0	1 0 11	Ditto.
Ramdhone Bonnerjee, of Telniparah, Zemindar ...	201 15 3	5 0 9	Ditto.
Rajkissore Dutt ...	124 15 6	3 2 0	Ditto.
Radakissen Sett, of Calcutta ..	105 6 0	2 10 2	Ditto.
Roop Loll Mullick, of Calcutta ...	5 0 0	0 2 0	Ditto.
Ramdhun Chatterjee, of Telniparah, Sircar	10 0 0	0 4 0	Ditto.
Radamadub Bonnerjee, of Calcutta ...	5 0 0	0 2 0	Ditto.
Rammohun Day, of Calcutta, Gomasta ..	9 12 3	0 3 11	Ditto.
Ramcaunt Chuckerbutty ...	6 0 0	0 2 5	Ditto.
Soroop Chunder Day, of Calcutta ...	70 0 0	1 12 0	Ditto.
Seedamchund Dutt, of Calcutta, Podar ...	2 0 0	0 0 9	Ditto.
Sooroop Chunder Mullick, of Calcutta ...	5 0 0	0 2 0	Ditto.
Toolsie Dossie ...	600 0 0	15 0 0	Ditto.
Woodoy Chund Dutt, of Calcutta, Banian ...	165 2 0	4 2 0	Ditto.

ESTATE OF J. A. AYTON.

	Claim Sa. Rs.	2nd Dividend at 11 per Cent.	
Begbie and Co. ...	18 12 0	2 10 0	Proved.
Bhoodoo ...	200 0 0	22 0 0	Not proved.
Bhustee Ram ...	144 0 0	15 13 5	Proved.
Captain Johnson, of the old 23rd Regt. N. I., deceased ...	100 0 0	11 0 0	Not proved.
Khoda Bux ...	120 0 0	13 3 2	Ditto.
Mission Press ...	40 0 0	4 6 5	Ditto.
Mr. Macdonald ...	200 0 0	22 0 0	Proved.
Punchum ...	120 0 0	13 3 2	Not proved.
Government Gazette Press ...	50 0 0	5 8 0	Ditto.
Ramchund Biswas ...	70 0 0	7 11 2	Ditto.
Scott, Hunter and Co. ...	700 0 0	77 0 0	Ditto.
Sewdeen Sookool, Havaldar of 35th Regt. N. I. ...	150 0 0	16 8 0	Ditto.
Ujooba ...	144 0 0	15 13 5	Ditto.

ESTATE OF CHARLES TROWER.

	Claim Co.'s Rs.	2nd Dividend at 5 per Cent.	
Beeroo Saha, of Calcutta, Shop-keeper ...	200 0 0	10 0 0	Not proved.
Bissonauth Doss, of Baloor, Writer ...	110 0 0	5 8 0	Ditto.
Bussooroody Choudry, of Calcutta, Moonshee ...	300 0 0	15 0 0	Ditto.
Cossissur Mostafee, of Burdwan, Zimindar ...	2000 0 0	100 0 0	Ditto.

ESTATE OF CHARLES TROWER.—*(Continued)*

	Claim Co.'s Rs.	2nd Dividend at 5 per Cent.	
Cook & Co., of Calcutta, Stable-keepers ...	200 0 0	10 0 0	Not proved.
Doorgachurn Dutt, of Calcutta, Banian ...	300 0 0	15 0 0	Ditto.
Doorgadass Bhuttacharjee, of Callyghat ...	200 0 0	10 0 0	Ditto.
Fakeer Chund Chuckerbutty, of Calcutta, Banian ...	500 0 0	25 0 0	Ditto.
Guddadhur Mitter, of Sealdah, Banian ...	200 0 0	10 0 0	Ditto.
Gorachund Mitter, of Penhatty, Banian ...	1000 0 0	50 0 0	Ditto.
Heralall Soor, of Calcutta, Writer ...	150 0 0	7 8 0	Ditto.
Heralall Bysack, of Calcutta, Writer ...	1000 0 0	50 0 0	Ditto.
Hurrish Chunder Ghosaul, of Calcutta, Writer ...	1500 0 0	75 0 0	Ditto.
Jhoroo Sircar, of Calcutta, Shop-keeper ...	150 0 0	7 8 0	Ditto.
Jogoo Bysack, of Calcutta, Writer ...	200 0 0	10 0 0	Ditto.
Issur Chunder Takoor, of Calcutta, Writer	100 0 0	5 0 0	Ditto.
Moneeram Sircar, of Calcutta ..	239 0 0	11 15 2	Ditto.
MacIntyre & Co., of Calcutta, Merchants ...	674 6 8	33 11 6	Ditto.
M. Manuk, Executor of Estate ...	800 0 0	40 0 0	Proved.
Modoosoodun Mitter, of Calcutta, Banian ...	750 0 0	37 8 0	Not proved.
Nocoor Chund Sett, of Calcutta, Sircar ...	200 0 0	10 0 0	Ditto.
Rameshur Ghose, of Calcutta, Shop keeper	57 0 0	2 13 7	Ditto.
Ramanath Gurgo, Rajah of Tumlook ...	1600 0 0	80 0 0	Ditto.
Ram Gopaul Sein, of Calcutta, Banian ...	200 0 0	10 0 0	Ditto.
Ramchunder Ghose, of Calcutta, Writer ...	100 0 0	5 0 0	Ditto.
Soroop Chunder Dutt, of Calcutta, Shop-keeper, ...	700 0 0	35 0 0	Ditto.
Syed Abdool Moojeed, of Hooghly ..	1400 0 0	70 0 0	Ditto.
Sumbhoo Chunder Sircar, of Seebpore ...	618 10 8	30 14 11	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Sircar	200 0 0	10 0 0	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Writer	200 0 0	10 0 0	Ditto.
Soojeekour Sait, of Calcutta, Sircar ...	150 0 0	7 8 0	Ditto.
Tacoor Doss Mistry, in 24-Pergunnahs ...	350 0 0	17 8 0	Ditto.
Modoosoodun Ghose, in Ditto ...	200 0 0	10 0 0	Ditto.

ESTATE OF FRANCIS FAVIER.

	Claim Co.'s Rs.	1st Dividend at 6 per Cent.	
Lollmohun, of Calcutta, Chowkeydar ..	55 0 0	3 4 10	Not Proved.
Obhoy Churn Seal, of Calcutta, Shop-keeper	51 0 0	3 0 11	Ditto.
Rammohun Bose, of Calcutta, Bottle Merchant ...	80 0 0	4 12 10	Ditto.
Ramchund Roy & Co., of Calcutta, Shop-keeper ...	120 0 0	7 3 2	Ditto.
Radamohun Doss & Co., of Calcutta, Bottle Merchant ...	19 5 0	1 2 6	Ditto.
Ramchund Doss, of Calcutta, Silk Merchant	14 0 0	0 13 5	Ditto.
Ramchundro and Seetaram Tacoors, of Calcutta ...	22 0 0	1 5 2	Ditto.
Sibchunder, of Calcutta, Gardener ...	14 0 0	0 13 5	Ditto.
Soroop Chunder Mullick, of Calcutta, Shop-keeper ...	23 4 0	1 6 4	Ditto.

JOHN COCHRANE,

Official Assignee.

12*th February* 1857.

INSOLVENT COURT.

ASSIGNEE'S OFFICE NOTICE.

Pursuant to Act No. XXVII. of 1841.

NOTICE is hereby given, that in the event of no claim being established to the Unclaimed Dividends hereundermentioned within twelve months from this date, such Dividends will be distributed among such of the Creditors of the under-mentioned Insolvent Estate as shall have established their claims against such Estate respectively :—

ESTATE OF BRIGHTMAN AND CO.

Names of Creditors.	Amount of Claims in	1st Dividend at 3 per Cent.	Whether proved or not.
	Rs. A. P.		
W. H. Harton, London, Merchant ...	1836 3 1	55 1 4	Proved.
Captain Shilstone, Calcutta, Master Mariner ..	702 9 7	21 1 2	Ditto.
Estate of E. S. Portbury ...	1500 2 3	45 0 0	Not proved.
Surroop Chunder Mullick, Hindoo Banian ...	33 8 7	1 0 1	Ditto.
Mrs. Mary Baker, England ...	139 8 8	4 2 11	Ditto.
Hadow & Co., of London, Merchants ...	1162 0 0	34 13 9	
Brown & Co., of Penang, Merchants ...	252 15 2	7 9 4	Ditto.
Estate of W. Thompson ...	184 2 7	5 8 4	Ditto.
Lieut. P. G. Beers, Artillery ...	38 8 3	1 2 5	Ditto.
J. W. Gunn ..	158 4 1	4 11 11	Ditto.
Ramchund Doss Manjee, Calcutta, Merchant	383 13 11	11 8 3	Ditto.
Smith, Huffnagle & Co., Calcutta, Merchant	352 10 8	10 9 3	Ditto.
Framjee Eduljee, Merchant, Calcutta ...	2 7 1	0 1 2	Ditto.
Shields & Co, Calcutta, Merchants ...	955 13 4	28 10 9	Ditto.
Henry Gouger, John Brightman, and Mrs. Eleanor Caroline Brightman, two years' unpaid allowance to Mrs. Brightman as per agreement ...	3000 0 0	90 0 0	Ditto.
Hurrish Chunder Bose, Calcutta ...	3601 15 4	108 0 11	Ditto.
Mackenzie, Lyall & Co., of Calcutta, Auctioneers, 10-16th ...	232 0 0	6 15 4	Proved.
Thompson, Poole and Haddon, Calcutta, Marine Store-keepers, 10-16th	294 1 9	8 13 2	Not proved.
Hope Insurance Company, Calcutta ...	1381 5 0	41 7 0	
Sun Insurance Office, Calcutta ...	1045 0 0	31 5 7	

JOHN COCHRANE,

Official Assignee.

Calcutta, 18th February 1857.

Assam Company.

GENERAL MEETING OF PROPRIETORS.

NOTICE is hereby given that a General Meeting of Proprietors will be held at the Company's Office, on Saturday, the 28th Instant, at the hour of 3 o'Clock in the afternoon, when the Report of the Directors and the Accounts for the past year will be submitted.

The Accounts will be open for the inspection of Proprietors on and after the 21st Instant.

By order of the Directors,

T. E. CARTER,

Depy. Secretary.

No. 1, BARRETTO'S LANE,
Calcutta, 20th February 1857.

India General Steam Navigation Company.

NOTICE is hereby given, that the Half-Yearly General Meeting of Shareholders of the above Company, will be held at the Company's Office on Monday, the 9th of March next, at 3 P. M., for passing the Accounts and declaring a Dividend.

By order of the Directors,

J. F. STACE,

Secretary.

CALCUTTA,
The 7th February 1857.

Notice.

HAVING been appointed Curator to the Estate of the late Mr. Charles Glas, a Pleader in the Sudder Dewanny Adawlut, by an order of the Judge of the 24-Pergunnahs, dated 10th Instant, under Act XIX. of 1841, Parties indebted are requested to make payment, and Claimants to send in their claims without delay.

A. J. STURMER,

Curator.

CALCUTTA,
12th February 1857.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND CO., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.

THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND CO., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

Agra and United Service Bank.

THE GOVERNMENT OF INDIA having, by Notification of 25th January 1855, signified its intention to dissolve its existing connexion with the Government Agency, the AGRA AND UNITED SERVICE BANK will, on being furnished with the necessary powers receive charge of Government Paper and Bank Shares from the Agent, and realize the Interest when due and Dividends when declared. The Bank will also sell or invest in these Securities for Constituents.

Forms of Letters and Powers of Attorney may be obtained on application to the Bank at Calcutta, or its Branches at Agra and Lahore.

When the proceeds of Government Paper or Shares sold, or of Interest and Dividends realized are remitted by the Bank's Drafts on England, or on its Indian Branches, no Commission will be charged.

If otherwise paid, or when the Paper or Shares are delivered over, the charge for Commission will be ¼ per cent.

FRANCIS R. NEILSON,

No. 2, Council House Street, *Secretary.*
Calcutta, 30th January 1855.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

Statement of the Affairs of the Bank of Bengal for the Week ending 18th February 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital	1,07,00,000	0	0	Government Securities	17,23,874	13	10
Reserve Fund	4,02,166	15	7	Dues from Government	1,94,508	5	3
Current Accounts	64,57,813	10	9	Mint Certificates, Undue	21,40,176	5	6
Cash Credits Undrawn	15,53,101	1	5	Cash	74,29,564	11	6
Other Claims	47,306	9	11	Loans on Deposit of Securities	1,61,97,251	0	8
Bank Notes and Post Bills	1,49,96,161	1	7	Accounts of Credit on ditto	35,66,287	5	6
				Government Bills Discounted	12,57,980	10	1
				Mercantile Bills ditto	14,67,187	5	9
				Dead Stock	1,79,717	13	2
Co.'s Rs.....3,41,56,548	7	3		Co.'s Rs.... 3,41,56,548	7	3	

Published by order of the Directors,

J. B. PLUMB,
Secretary and Treasurer.

(Signed) H. I. LEE,
for Accountant.

LOST OR STOLEN.—Second halves Bank of Bengal Notes, Nos. 17085, for Co.'s Rs. 15, and 23558, for Co.'s Rs. 20, the payment of which has been stopped at the Bank.

LOST.—The right half of a Bank of Bengal Note, No. 13930, for Co.'s Rs. 50, the payment of which has been stopped at the Bank.

LOST.—Second-half of a Bank of Bengal Note, No. 38337, for Co.'s Rs. 50, the payment of which has been stopped at the Bank.

LOST.—An unindorsed Bank of Bengal Sola Bill, No. 679, dated 24th December 1856, for Company's Rupees 10,000, payable to me or order, payment of which has been stopped in the Bank. Whoever will bring the same at No. 8, Lyons' Range, will be rewarded by Ramdhone Ghose.

LOST.—A half of a Bank of Bengal Note, No. 34037, for Company's Rupees 100, the payment of which has been stopped at the Bank.

LOST.—Second-half of a Bank of Bengal Note, No. 05308, for Co.'s Rs. 10, the payment of which has been stopped at the Bank.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume,

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An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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XI.—POST OFFICE, POLICE, CONSERVANCY, RAILWAY AND TELEGRAPH ACT, OF THE LEGISLATIVE COUNCIL—AT PRESENT IN FORCE.
SHIPPING ARRIVALS AND DEPARTURES FOR 1856.
DOMESTIC OCCURRENCES FOR DITTO.
ADVERTISEMENTS

SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notifications

No. 1936.

NOTICE is hereby given that an After-packet for the P. and O. Co.'s Steamer *Hindostan* will be made up at this office on Monday the 23rd Instant at 1 P. M. with the chance of overtaking her at Kedgeree.

FORT WILLIAM;
General Post Office,
The 18th February 1857.

C. K. DOVE.
Deputy Post-master General.

N. B.—The Public are particularly requested to observe that in addition to Steam Postage the Inland Postage to Kedgeree must be prepaid at the following rates on letters to Egypt or to any Foreign Ports *viâ* Egypt.

¼ Tola	0	0	6
½ Ditto	0	1	0
1 Ditto	0	2	0
1½ Ditto	0	3	0
2 Ditto	0	4	0

and for every Tolah or fraction of a Tolah above two Tolahs two additional Annas.

Letters sent after 1 o'Clock for the purpose of being posted will not be received under any circumstances.

No. 1938.

NOTICE is hereby given, that the Mails for Penang, Singapore and China, for transmission per Steamer *Lancefield*, will be closed at this Office, on Saturday, the 21st Instant.

FORT WILLIAM;
General Post Office,
The 19th February 1857.

C. K. DOVE,
Deputy Post-master General.

No. 3628.

Wax Cloth	Gunnee Cloth.	Bullock Hide.
Wax.	Log Line.	Buckles.
Rosin.	Twine	Gunny and Putties.
Sealing-Wax.	Jute Rope.	Earthen Pots.
Fire-wood.	Pitch.	Nails.
Wax Candles.	Dammer.	Tacks.
Mustard Oil.	Ditto Melting Pots.	Canvas.
Cocoanut Oil.	Brushes.	

Sealed Tenders for the supply of such quantities of Articles mentioned in the margin, as may be required for the use of the Calcutta General Post Office, for one year, will be received at the General Post Office up to noon, on the 25th instant, when they will be opened in the presence of parties interested who may be in attendance.

A deposit of Company's Rupees 1,000, (one thousand), in Company's paper will be required with such tender. Further particulars may be obtained on application at the General Post Office.

CALCUTTA;
General Post Office,
The 16th February 1857.

C. K. DOVE,
Deputy Post-master General.

POSTAL NOTICE.

The Public are informed that arrangements have been made for a new line of Contract Steamers for the conveyance of the Mails, once a month, between England and Australia, *viâ* Suez and Point de Galle.

2. A Time Table cannot now be published, as the dates of sailing of the Packets have not yet been definitely settled; but it is expected that the first Packet from Australia will be due at Suez on the 3rd March, and that the first Packet to Australia will depart from Suez on the 11th Idem.

3. Letters posted in India for conveyance by the Contract Packets must be prepaid at the following rates, which include Inland Postage:—

	Rs.	As.	P.
Not exceeding ½ an Ounce	0	4	0
Exceeding ½ Ditto, and not exceeding 1 Oz.	0	8	0

And so on, adding 8 Annas for every Ounce or fraction of an Ounce.

4. On letters posted in Australia for conveyance by the Contract Packets, the only Postage to which they will be liable *in India*, will be the usual Indian Postage.

5. On Newspapers posted in India for the same conveyance, one Penny or nine Pie must be prepaid in Cash in addition to the usual Inland Postage when despatched from a Mofussil Post Office, or by the *After Packet.*

6. Newspapers received by the Contract Packets from Australia will be subject to the usual Inland Postage only.

G. PATON,
Offg. Director General of the Post Office in India.

CALCUTTA,
The 13th February 1857.

No. 1836.

Notification.

Table showing the New Rates of Steam and Inland Postage on Letters, &c., forwarded by H. M.'s Mail Contract Steamers.

Names of Places.	Route.	Letter.	Newspapers or Price Current.	Rates of Postage on Letters.
Great Britain ...	Viâ Marseilles ...	... ...	Free ...	Not exceeding ¼ oz. 0 6 0 Exceeding ¼ oz. & not exceeding ½ oz. 0 8 0 „ ½ oz. „ ¾ oz. 0 14 0 „ ¾ oz. „ 1 oz. 1 0 0 And so on, eight annas being added for every additional ounce or fraction of an ounce, and two annas French Postage for every additional quarter of an ounce, which includes Inland postage.
United States ...				
West Indies not a British Colony or to any Foreign Territories ...	Viâ Marseilles and the United Kingdom ...	Pre-payment optional	3 Pence 2 As.	
West Indies or to any British Colonies ...				
Canada or British North America ...	Viâ do. and the United States	... ...	4 Pence 3 As.	
Great Britain ...	Viâ Southampton	Ditto ...	Free ...	Not exceeding ½ oz. 0 4 0 Exceeding ½ oz. & not exceeding 1 oz. 0 8 0 And so on, adding 8 annas for every ounce or fraction of an ounce, which includes Inland postage.
Ditto ...	Viâ Trieste, ...	Must be pre-paid ...	One Penny (9 pie) steam postage must be pre-paid*	
United States	Viâ Southampton	Cannot be pre-paid ...	1 Penny 9 Pie.*	
West Indies or Foreign Territories ...				
Canada or British North America ...	Viâ do. and United States	Ditto ...	2 Pence 1 As. 6 P.	
Malta	Viâ Galle ...	Must be pre-paid ...	1 Penny 9 Pie*	Ditto.
Gibraltar ...				
Ionian Islands ...				
Australian Colonies				
Mauritius or any British Colony, the route to which does not lie through Great Britain ...				
China (except Hong-Kong) ...				
Macao ...				
Canton ...				
Manilla ...				
Batavia ...				
Java ...				
Bourbon or any Foreign Ports, the route to which does not pass through Egypt				
Madras ...	Direct ...	Optional ...	Ditto* ...	Ditto.
Ceylon ...				
Bombay ...				
Aden ...				
Penang ...	Viâ Galle ...	Ditto ...	Ditto* ...	Ditto.
Singapore ...				
Malacca ...				
Hong Kong ...				

Old Rates of Postage are applicable to the following Places and at the following Rates.

Names of Places.	Route.	Letters.	Newspapers or Price Current	Rate of Postage on Letters.
France ...	Viâ Egypt, ...	Steam postage cannot be pre-paid	Steam postage cannot be pre-paid†	When posted at a Mofussil PostOffice, or for the After-packet, the Inland postage must be pre-paid.
Trieste ... Austria ... Alexandria ... Cairo ... Suez ... Places in Egypt or to any Foreign Port viâ Egypt ...	... ...	Must be prepaid ...	1 Penny 9 pie*	Not exceeding ½ oz. 0 8 0 Exceeding ½ oz. & not exceeding 1 oz. 1 0 0 Exceeding 1 oz & not exceeding 2 oz 2 0 0 And so on, adding one Rupee for every ounce or fraction of an ounce, besides Inland postage when posted at Mofussil Offices or posted for an After-packet.
Foreign Europe ...	Viâ Marseilles or Trieste	Ditto ...	Ditto* ...	

* To be paid in Cash when Stamp cannot be used, the postage is compulsory, and more than one Paper cannot be sent under cover.

† Applicable to Price Current, Periodicals, Works stitched or bound, Books, Pamphlets, Sheets of Music, Catalogues, Prospectus, Announcements, and Notices of various kinds.

N B—Besides the Steam Postage entered in the Column for Newspapers and Price Current, an Inland Postage will be necessary when such papers are posted at Mofussil Post Offices, or when posted for an After-packet.

CALCUTTA;
General Post Office,
The 2nd February 1857

C. K. DOVE,
Deputy Post-master General of Bengal.

Packets for the reception of Letters by the following Ships are open at this Office —

Names of Vessels.	Agents	Intended Departure	For what Port	Touching at	Remarks
Steamer Lancefield ..	Jardine, Skinner and Co	22nd Feb 1857 ..	Penang, Singapore and China ...		
Steamer Hindoostan	P & O. S. N. Company	23rd ditto ..	Suez ..	Madras, Ceylon & Aden	
Southern Cross ..	Mackey and Co ..	In a few days ..	Sydney .		
Grecian Queen ..	Gillanders, Arbuthnot and Co. .	Ditto .	Melbourne .		

C. K. DOVE,
Deputy Post-master General.

CALCUTTA;
General Post Office,
The 20th February 1857.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the "* CALCUTTA GAZETTE' OFFICE, *No. 5, Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 21, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 14th of April next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in the North Western Provinces.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the territories under the Government of the Lieutenant-Governor of the North Western Provinces as are subject to the General Regulations of the Bengal Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Territories under the Government of the Lieutenant Governor of the North Western Provinces as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court

The Sudder Court at Agra shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges.

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers

6. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bengal Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person exempted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Suits for real property in Zillah Courts subject to different Sudder Courts.

18. If the Zillah Courts, within the limits of which the property is situated, are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the zillah, in which the action is brought, is subject; and the Sudder Court, to which such application is made, may, with the concurrence of the Sudder Court, to which the other zillah is subject, give authority to proceed with the same.

Declaratory suit.

19. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

20. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a Thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal.

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same

(4) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the summons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bengal Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bengal Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court. on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the, supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part. the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made: and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bengal Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bengal Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bengal Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement.

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, whether such Court be within the said Presidency or not, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Cases in which Court may issue a Commission to examine witnesses.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Moonsiff of Agra, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, whether such place be within the said Presidency or within the territories in the possession of the East India Company or not, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requisition of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the presence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same. The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144 Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commanding officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV. respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Calcutta it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Calcutta, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41 A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years;

and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Decree or order transmitted, to be executed as that of the Court.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

Execution how to be enforced by Court applied to.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

What appeal from orders for execution under this Act.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Contempt of lawful Authority under Chapter X.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Reference on application of the parties.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Application how to be made.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Appointment of arbitrators may be made by Court at the desire of parties.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

Order of reference.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

When the reference is to two or more, the order shall provide for difference of opinion.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Power to Court to direct arbitration.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

Court may determine particular facts or points of law.

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them: or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bengal Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

CHAPTER IX.

OF APPEALS

Appeals from Final Decrees

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs

An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3 In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall accept as hereinafter provided be to the Zillah Judge; in suits above that sum, to the Sudder Court at Agra.

The decision of the Zillah Judge in appeal is final

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time

The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*] Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Agra [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the cause.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction except as provided in the preceding Article.

Power to remand limited as above

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent.

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4 The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.

COURT of the of holden at

REGISTER OF CIVIL SUITS in the year 18

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.

SUDDER COURT at AGRA [or Zillah Court at

REGISTER of APPEALS from FINAL DECREES in the year 18

Date of Memorandum, and where presented.	No. of Appeal	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.

SUDDER COURT at AGRA [or Zillah Court at .]

REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRANT, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 21, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 18th of May next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Madras.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the Presidency of Fort St. George as are subject to the General Regulations of the Madras Code : It is hereby enacted as follows :—

Preamble.

1. This Act shall extend only to such parts of the Presidency of Fort St. George as are subject to the General Regulations of the Madras Code, except so far as is hereinafter otherwise expressly provided.

Territorial scope of Act.

CHAPTER I.

SUDDER COURT.

The Sudder Court at Madras shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

Jurisdictions of the Sudder Court

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

1. There shall be three grades of Judges in each zillah or district :—

Grades of District Judges.

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their Courts, how to be denominated.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Their appointment, suspension, and removal.

4. Each Civil Court is to be presided over by one or more Judges ; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

6. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

Ministerial officers

in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Madras Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations ; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend :

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action ; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action :

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees ; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same ; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Declaratory suit.

18. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

19. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—
Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal.

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance in a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the summons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Madras Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Madras Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Madras Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Madras Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Madras Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination ot the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

But a witness may for special cause be examined immediately.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

Witnesses to be examined without oath, affirmation, or warning.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Of Commissions to examine absent Witnesses and make local Inquiries.

Cases in which Court may issue a Commission to examine witnesses.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just.

Where the witness is within the Court's jurisdiction.

If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint.

Where the witness is beyond the Court's jurisdiction.

If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Madras, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is beyond the general jurisdiction of the Sudder Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Commission to be returned with the depositions of the witnesses.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the prsence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished

144 Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause.

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupacy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV, or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV, respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure, and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Madras it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Madras, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatevor, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years; and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Decree or order transmitted, to be executed as that of the Court.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

Execution how to be enforced by Court applied to.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

What appeal from orders for execution under this Act.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Contempt of lawful Authority under Chapter X.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Reference on application of the parties.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Application how to be made.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Appointment of arbitrators may be made by Court at the desire of parties.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

Order of reference.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

When the reference is to two or more, the order shall provide for difference of opinion.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Power to Court to direct arbitration.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

Court may determine particular facts or points of law.

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

Chapter VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Madras Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX

OF APPEALS.

Appeals from Final Decrees

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupancy of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not be.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3 In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*]Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Madras [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shallforthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent.

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT OF MADRAS [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18 .

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT OF MADRAS [or Zillah Court at .]
REGISTER OF APPEALS from ORDERS in the year 18 .

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

THIRD SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 21, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 21st of May next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Bombay.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court

The Sudder Court at Bombay shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs.

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers

6. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bombay Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11 The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations ; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend :

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action ; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action :

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees ; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same ; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Declaratory suit.

18. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

By whom judicial decisions may be revised.

19. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

CHAPTER III.

Preliminary Rules.

Parties may appear in person or by vakeel.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Party appearing in person to enter his name and address in a book.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Who may appear personally, or appoint vakeel.

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

CHAPTER IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

Suits to commence with summons.

1. All suits shall be commenced by a summons to the defendant.

Summons how to be applied for.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Particulars to be given with the application.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees bearing date the day of and payable on the day of

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of

(5) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5 If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit

In the Court of the of holden at

Plaintiff.

Defendant.

[Name, description, and address of defendant]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11 Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the summons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge, from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Revenue Commissioner and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bombay Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Revenue Commissioner and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bombay Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Revenue Commissioner together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Revenue Commissioner.

41. The Revenue Commissioner after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Revenue Commissioner is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Revenue Commissioner that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the, supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale. (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisoument in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bombay Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bombay Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bombay Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Cases in which Court may issue a Commission to examine witnesses.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Bombay but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requisition of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the prsence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered.

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Courtby theapplicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause.

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upor the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupacy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV. respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsover, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Bombay it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Bombay, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years;

and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Decree or order transmitted, to be executed as that of the Court.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

Execution how to be enforced by Court applied to.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

What appeal from orders for execution under this Act.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Contempt of lawful Authority under Chapter X.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Reference on application of the parties.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Application how to be made.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Appointment of arbitrators may be made by Court at the desire of parties.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

Order of reference.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

When the reference is to two or more, the order shall provide for difference of opinion.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Power to Court to direct arbitration.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

Court may determine particular facts or points of law.

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

Chapter VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bombay Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3 In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application.

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*]Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Bombay [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shallforthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence.

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground.

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment, shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable: If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent.

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.

COURT of the of holden at

REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.

SUDDER COURT OF BOMBAY [or Zillah Court at

REGISTER of APPEALS from FINAL DECREES in the year 18 .

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.

SUDDER COURT OF BOMBAY [or Zillah Court at .]

REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRAY, "CALCUTTA GAZETTE," OFFICE.

FOURTH SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 21, 1857.

INSOLVENT ESTATES.

QUARTERLY STATEMENT MADE UP TO THE 31ST JANUARY 1857.

ESTATES.	Whole Amount of Receipts.	Whole Disbursements.		Balance Remaining.	Of the balance, there is invested in Government Securities, (the remainder being Cash in the Bank of Bengal.)	Probable Out-turn of the Dependencies.
		Dividends Paid.	Other Payments.			
Alexander and Co. ...	246615 15 2	199248 10 2	31495 12 11	15871 8 1	3721 13 4	There are outstandings, but recoveries uncertain. Some unclaimed Dividends in Court.
Anderson and Co. ...	2163 15 1	0 0 0	1496 6 8	667 8 5	441 7 0	The balance in hand is reserved to satisfy some disputed claims Nothing further is expected.
Adam, Scott and Co. ...	123001 6 9	104491 12 0	16809 5 0	1700 5 9	0 0 0	There are outstandings, but uncertain as to recovery. Unclaimed Dividends in Court. One Policy of Insurance for Rs. 4,000; Some Shares in the Bonded Ware-house Association.
Brightman and Co. ...	31326 5 2	23845 6 10	6634 12 2	816 2 2	0 0 0	There are some outstandings, but recoveries uncertain. Some unclaimed Dividends in Court.

ESTATES.	Whole Amount of Receipts.	Whole Disbursements.		Balance Remaining.	Of the balance, there is invested in Government Securities, (the remainder being Cash in the Bank of Bengal.)	Probable Out-turn of the Dependencies.
		Dividends Paid.	Other Payments.			
Boyd and Co. ..	10591 0 10	0 0 0	9199 1 4	1391 15 6	1391 14 6	Some outstandings, but recoveries uncertain. Some suits long pending.
Bruce, Shand and Co. ..	817779 11 6	489017 3 2	323367 12 3	5394 12 1	2800 0 0	Nothing further recoverable. Some unclaimed Dividends in Court.
Colvin and Co. ...	127016 1 3	85743 12 4	14129 3 11	27143 1 0 of which about Rs. 9750 is applicable to the Dividend now payable.	0 0 0	There are outstandings, but recoveries uncertain. Unclaimed Dividends in Court.
Cruttenden, Mackillop and Co. ..	72654 6 1	52734 11 5	10935 5 8	8984 5 0	6043 14 5	Ditto ditto ditto
Ewing, Aird and Anderson ...	302315 14 3	55631 3 5	234244 7 6	12440 3 4	9367 13 3	Nothing further recoverable. Some unclaimed Dividends in Court.
Fergusson and Co. ...	142177 13 6	95762 4 7	15726 10 10	30688 14 1 of which about Rs. 8000 is applicable to the Dividend now payable.	13540 12 4	Some outstanding debts, but recoveries uncertain. Some unclaimed Dividends in Court.
Fergusson, Brothers and Co. ...	138729 9 8	65098 1 2	68982 14 0	4648 10 6 of which about Rs. 2600 is applicable to the Dividend now payable.	2700 0 0	Ditto ditto ditto.
Gilmore and Co. ..	38277 9 4	22942 3 1	13967 7 9	1367 14 6	0 0 0	Some unclaimed Dividends in Court.
Gordon, Collie and Co. ..	14850 13 2	7265 10 1	7456 7 7	128 11 6	0 0 0	Nothing further is expected to be realized. Some unclaimed Dividends in Court.
W. C. Hurry ..	2257 5 1	0 0 0	1563 14 6	693 6 7	441 7 0	Further recoveries uncertain.
Hickey, Bailey and Co. ..	249090 13 3	37229 15 7	82549 15 6	129310 14 2 of which a portion is applicable to the 1st Dividend for unadjusted claims.	28593 14 10	Very little further recoverable.
G. F. Hodgkinson and Co. ..	22464 6 6	0 0 0	8102 3 0	14362 3 6	12900 0 0	A large claim against a Firm in London, which denies it entirely. Accounts unadjusted. A law-suit pending.
Hughesdon, Brothers ..	214650 10 6 and Co.'s Paper for Rs. 16000.	14800 3 3	186045 8 8	13804 14 7 and Co.'s Paper for Rs. 16000, of which a portion is applicable to the Dividend now payable.	0 0 0	Hardly any thing more recoverable. Some unclaimed Dividends in Court.

Lyall, Matheson and Co.	..	360622	6	6	274396	12	4	79343	4	6	6882 of which about Rs. 5000 is applicable to the Dividend now payable.	5	8	830	3	1	Very little further recoverable. Some unclaimed Dividends in Court
Ma Gregor, Hunter and Co.	..	10110	0	11	0	0	0	8472	1	3	1637	15	8	897	1	5	Hardly anything more recoverable.
Mackintosh and Co.	..	165234	14	11	99981	9	2	58373	13	7	6279	8	2	2881	6	5	There are outstandings, but depend upon law-suits. Recoveries uncertain. Some unclaimed Dividends in Court.
Macleod, Fagan and Co.	..	14131	3	11	2993	5	2	4850	15	0	6286	15	9	0	0	0	Some outstandings, but uncertain as to recovery. Unclaimed Dividends in Court.
D. C. Mackey and Co.	..	94569	7	6	21929	1	8	33459	15	11	39180 of which about Rs. 10000 is applicable to the Dividend now payable.	5	11	18955	6	8	Very little further recoverable. Some unclaimed Dividends in Court.
Nichol, Wilkie and Co.	..	4527	5	11	0	0	0	3874	1	5	653	4		0	0	0	In debt to the Assignee on account of other Estates.
Owen, Allhusen and Co.	..	26841	0	9	0	0	0	24320	12	2	2520	4	7	2520	4	7	A portion of this sum consists of the proceeds of goods specifically claimed. Nothing further recoverable.
Palmer and Co.	..	387896	9	0	263069	7	5	122350	6	2	2476	11	5	0	0	0	There are outstandings, but recoveries uncertain. An old Policy in the Laudable for Rs. 76,800. Unclaimed Dividends in Court.
Saunders, May, Fordyce and Co.	..	244223	10	0	192479	15	5	47394	13	11	4348 of which about Rs 2000 is applicable to the Dividend now payable.	12	8	1909	13	6	Very little further recoverable. Unclaimed Dividends in Court.
Tulloh and Co., 1st	..	104653	10	7	54121	10	7	43109	11	0	7122	5	0	6635	0	0	There are outstandings in course of recovery, but the greater part depends upon law-suits. Unclaimed Dividends in Court.
Cockerell and Co.	..	1675354	6	11	350251	11	9	1298762	8	7	26340 subject to a loan of Rs. 14000, and the balance is applicable to the Dividend now payable.	2	7	16810	2	1	Some unclaimed Dividends in Court. Some outstandings, but uncertain as to recovery.
A. J. de H Larpent	..	14882	9	6	8006	0	8	4961	9	10	1914	15	0	0	0	0	Nothing further is expected.
John Beckwith	..	15364	9	9	12427	8	1	2773	6	0	163	11	8	0	0	0	Ditto ditto.
Tulloh and Co., 2nd	..	15818	6	4	0	0	0	6 94	0	9	9624	5	7	4019	1	7	Outstandings in course of recovery.
Cantor and Co.	..	207652	11	1	135911	11	11	64747	10	6	6993	4	8	0	0	0	There is a sum of £87-11-0 in the hands of the Official Assignee in London. Nothing further is expected.
Martin, Pillans and Co.	..	91443	3	11	14704	1	8	66973	3	9	9765 of which Rs. 4119 is applicable to the Dividend now payable.	14	6	0	0	0	Outstandings in course of recovery.
Asiatic Marine Insurance Office	..	3 7806	14	7	143353	2	1	31584	14	0	142868 which is applicable to the 1st and 2nd Dividends in course of payment.	14	6	0	0	0	The 3rd assessment at Rs. 2,000 per Share is ordered to be realized from Shareholders, as per Advertisement.

ESTATES.	Whole Amount of Receipts.	Whole Disbursements.		Balance Remaining.	Of the balance, there is invested in Government Securities, (the remainder being Cash in the Bank of Bengal.)	Probable Out-turn of the Dependencies.
		Dividends Paid.	Other Payments.			
Allhusen, William ..	1629 14 6	0 0 0	610 3 4	1019 11 2	0 0 0	Nothing further recoverable.
Aubin, Pierre ..	1025 0 0	0 0 0	653 12 0	371 4 0	0 0 0	Ditto ditto. Accounts unadjusted
Ayton, James Alexander ..	1553 9 2	0 0 0	202 1 10	1111 7 4	441 14 9	A claim on Cruttenden and Co.'s Estate. Out-turn uncertain.
Aviet, A. G. ..	1230 1 1	0 0 0	918 1 0	312 0 1	0 0 0	Nothing further recoverable.
Allport, Rowland ..	7602 1 5	0 0 0	684 9 6	6917 7 11	2647 10 3	Ditto ditto.
Anquitel, Charles. ..	39862 15 7	12560 1 3	26875 1 9	427 12 7	of which Rs. 198 4 8 is for Dividends.	Ditto ditto.
Abbott, W. H. ..	339 7 2	0 0 0	6 0 0	333 7 2	0 0 0	Ditto ditto.
Agabeg, Brothers ..	27957 7 6	20028 13 10	4772 3 7	3 56 6 1	of which Rs. 1966 7 7 is for Dividends.	Several outstandings. Recoveries uncertain.
Agabeg, Johannes ..	1517 8 3	0 0 0	628 0 0	889 8 3	0 0 0	Nothing further recoverable.
Adams, Thomas ..	12907 6 11	5505 2 11	4696 2 0	2706 2 0	of which Rs. 785 15 10 is for Dividends.	Several outstandings. Recoveries uncertain. Insolvent died.
Andrews, John ..	6650 9 6	2557 9 8	633 2 9	3459 13 1	of which Rs. 1064 10 3 is for Dividends now in course of payment.	Ordered and pays Rs. 200 per month from his pay.
Arrathoon, A. H. ..	10000 0 0	0 0 0	2967 4 6	7032 11 6	0 0 0	Nothing further recoverable. Legal question pending before the Court.
Betts, Alfred ..	405 15 4	0 0 0	97 0 0	308 15 4	0 0 0	Ditto ditto. Insolvent died.
Browne, Robert ..	3464 4 4	0 0 0	246 8 7	3217 11 9	1324 5 7	Ditto ditto. For want of accounts unable to divide.
Ballaram Bose ..	719 2 7	0 0 0	82 0 0	637 2 7	0 0 0	Ditto ditto.
Becher, G. R. P. ..	536 9 1	0 0 0	183 10 0	352 15 1	0 0 0	Ditto ditto. Insolvent died.
Bryce, A. ..	1777 15 5	0 0 0	92 1 10	1685 13 7	441 14 9	Ditto ditto. Ditto.
Bremner, Charles ..	353 3 3	0 0 0	89 8 0	263 11 3	0 0 0	Ditto ditto. Ditto
Buckland, R. H., 1st ..	595 14 1	151 4 0	80 0 0	364 10 1	0 0 0	Nothing further recoverable Finally discharged.
Bailey, Francis ..	13766 4 8	5898 12 10	6922 6 2	945 1 8	0 0 0	Ditto ditto Insolvent died.
Buckland, R. H., 2nd ..	605 9 7	0 0 0	369 15 0	235 10 7	0 0 0	Ditto ditto. Finally discharged.
Birch, F. W. ..	15678 14 0	6533 4 5	2103 3 11	7042 5 8	of which Rs. 2785 0 1 is for Dividends.	Ordered and pays Rs. 150 per month from his pay.
Bolst, E. C. ..	615 0 0	0 0 0	373 14 0	241 2 0	0 0 0	Nothing further recoverable. Finally discharged.
Bruce, C. C. ..	597 12 0	0 0 0	371 4 0	226 8 0	0 0 0	Ditto ditto. Ditto.
Bodelio, L. H. ..	377 14 4	0 0 0	0 0 0	377 14 4	0 0 0	Ditto ditto. Ditto.
Babington, John ..	4705 8 2	2934 14 1	611 4 6	1159 5 7	of which Rs. 714 5 7 is for Dividends now in course of payment.	Has paid one-third of his Schedule debts, and pays Rs. 150 per month.

Brojonauth Dhur	..	10346	0	9	4048	3	7	5138	3	11	1159	9	3	of which Rs. 1083 is for Dividends.	11	2	Nothing further recoverable.
Barnfield, William	..	1285	15	6	0	0	0	1003	4	0	282	11	6	0	0	0	Outstandings in course of recovery. Finally discharged.
Burge, A. B.	..	3500	0	0	0	0	0	233	13	9	3266	2	3	0	0	0	Ordered and pays Rs. 100 per month from his pay.
Bolst, F. C., 2nd	..	493	12	0	0	0	0	8	0	0	485	12	0	0	0	0	Ordered and pays Rs. 20 per month from his pay.
Burkingyoung, Robert	..	7923	13	3	0	0	0	1612	0	3	6311	13	0	0	0	0	Accounts unadjusted. Nothing further recoverable.
Bycaunthnauth Dutt	..	2252	1	0	0	0	0	608	0	0	1644	1	0	0	0	0	Outstandings in course of recovery.
Blythe, Edward	..	861	8	9	0	0	0	396	14	6	464	10	3	0	0	0	Nothing further recoverable. Finally discharged.
Betts, C. G. D.	..	800	0	0	0	0	0	316	0	0	484	0	0	0	0	0	Outstandings in course of recovery.
Currie, J. A., 1st	..	2326	7	10	1128	7	1	206	10	6	991	6	3	0	0	0	Ditto ditto. Insolvent died.
Colquhoun, James	..	1046	15	11	0	0	0	105	0	0	941	15	11	0	0	0	Ditto ditto. Ditto.
Campbell, F. W.	..	298	1	0	0	0	0	48	8	0	249	9	0	0	0	0	Ditto ditto.
Connyloll Burraul and Kissenmohun Burraul,	..	4956	14	6	0	0	0	1772	1	5	3184	13	1	0	0	0	Ditto ditto. A suit in the Zillah Court pending.
Clarke, David	..	566	1	9	0	0	0	339	8	0	226	9	9	0	0	0	Ditto ditto. Insolvent died.
Campbell, N. H. A., 2nd	..	819	3	2	358	6	7	75	0	6	385	12	1	0	0	0	Ditto ditto. Finally discharged.
Caird, John	..	800	6	1	0	0	0	92	0	0	708	6	1	0	0	0	Nothing further recoverable. Insolvent died.
Calder, Duncan, 1st	..	4409	0	3	0	0	0	2443	7	3	1965	9	0	0	0	0	Ditto ditto. Retained for settlement of accounts.
Crompton, G. T.	..	5136	14	7	2654	1	0	1928	5	3	554	8	4	of which Rs. 345 is for Dividends.	15	0	Some small sums further recoverable.
Campbell, Colin, 2nd	..	1542	4	11	0	0	0	668	14	6	873	6	5	0	0	0	Ditto ditto. Insolvent died.
Colly Coomar Mullick Roy	..	58692	0	0	47344	0	1	4961	14	1	6386	1	10	of which Rs. 6239 is for Dividends now in course of payment.	3	0	Nothing further recoverable. Finally discharged.
Chundermohun Chatterjee	..	4691	11	5	2970	13	1	1133	13	1	587	1	3	0	0	0	Ditto ditto. Ditto.
Cook, Henry	..	12087	9	10	6389	14	10	4489	11	1	1207	15	11	of which Rs. 835 is for Dividends.	0	0	Large outstandings. Recoveries uncertain.
Currie, J. A., 2nd	..	15550	0	0	5040	5	9	9941	12	10	567	13	5	of which Rs. 227 is for Dividends.	0	0	Nothing further recoverable. Insolvent died.
Campbell, N. H. A., 3rd	..	28658	11	1	16052	13	3	11483	3	4	1122	10	6	of which Rs. 1113 is for Dividends now in course of payment.	8	2	Has paid up one-third of his Schedule debts and finally discharged.
Cameron, Charles	..	3977	11	9	0	0	0	733	5	10	3244	5	11	0	0	0	Outstandings in course of recovery. Schedule not filed.
Curnin, Mrs. Ellen	..	1403	0	0	0	0	0	849	0	0	554	0	0	0	0	0	About Rs. 200 more to be recovered.
Cockburn, J. H.	..	1462	0	0	794	2	9	116	1	8	551	11	7	of which Rs. 156 is for Dividends now in course of payment.	1	1	Nothing further recoverable. Finally discharged.
Corcoran, J. F.	..	4959	12	0	3802	3	5	942	13	6	214	11	1	of which Rs. 74 is for Dividends now in course of payment.	10	7	Ditto ditto.
Collinet, E. G.	..	8648	2	9	5107	4	8	683	10	0	2857	4	1	of which Rs. 141 is for Dividends now in course of payment.	4	7	Outstandings in course of recovery.
Cohen & Co., S. D.	..	328	2	11	0	0	0	81	2	0	247	0	11	0	0	0	Nothing further recoverable.

ESTATES.	Whole Amount of Receipts.	Whole Disbursements.		Balance Remaining.	Of the balance, there is invested in Government Securities, (the remainder being Cash in the Bank of Bengal.)	Probable Out-turn of the Dependencies.
		Dividends Paid.	Other Payments.			
Desbrasses, Richard ...	879 5 2	0 0 0	99 0 0	780 5 2	0 0 0	Nothing further recoverable.
Dickens, Theodore ..	10906 6 5	326 3 4	321 1 3	10259 1 10	3520 0 0	Ditto ditto. Subject to settlement of accounts
Dawes, W. T. ..	5157 5 3	4566 10 5	351 13 9	238 13 1	of which Rs. 15 14 0 is for Dividends.	Nothing further recoverable. Insolvent died.
Dodd, Richard ..	37143 5 3	34036 10 6	2649 6 2	457 4 7	0 0 0	Ditto ditto.
DeMello, A. H, ..	4267 13 0	2 98 6 4	1076 0 9	993 5 11	of which Rs. 982 11 8 is for Dividends.	Ditto ditto. Insolvent died.
Dove, J. M. ..	11774 13 1	6717 0 10	1572 14 10	3484 13 5	of which Rs. 1932 6 0 is for Dividends now in course of payment.	Outstandings in course of recovery. Finally discharged.
DeSilva, John Emmanuel ..	567 15 4 and Co's Paper for 12000 Sa. Rs.	0 0 0	0 0 0	567 15 4	0 0 0	Nothing further recoverable.
Fergusson, W. F., 1st ..	358 13 7	0 0 0	89 8 0	269 5 7	0 0 0	Nothing further recoverable. Finally discharged.
Frith Gordon and Co. ..	394 7 10	0 0 0	71 12 0	322 11 10	0 0 0	Ditto ditto.
Ferrao, J. B ..	388 3 11	0 0 0	76 12 0	311 7 11	0 0 0	Ditto ditto. Insolvent died.
Fraser, D. W. ..	1789 10 9	0 0 0	692 10 4	1097 0 5	441 14 9	Ditto ditto.
Fabian, E. D. .	4528 2 1	942 0 7	2457 12 4	1138 5 2	of which Rs. 228 4 2 is for Dividends.	Ordered and pays 50 Rs. per month. A Policy on his life for Rs. 6,400.
Ford, W. R. ..	2380 2 10	0 0 0	708 2 2	1672 0 8	0 0 0	Outstandings partly recoverable.
Fanshawe, R. F., 1st ..	2749 5 8	715 2 11	438 5 7	1595 13 2	of which Rs. 1341 3 2 is for Dividends now in course of payment.	Nothing further recoverable. Insolvent died.
Fraser, W. T. ..	1500 0 0	0 0 0	388 9 0	1111 7 0	0 0 0	Outstandings partly recoverable.
Gilmore, J. 1st ..	359 7 10	0 0 0	70 4 0	289 3 10	0 0 0	Nothing further recoverable. Insolvent died.
Glass, A. G. (Glass and Co.) ..	3850 3 8	0 0 0	1139 13 2	2710 6 6	0 0 0	Ditto ditto. Ditto.
Goberdhone Mullick ..	2880 14 9	157 2 11	775 3 0	1947 14 10	of which Rs. 1499 11 4 is for Dividends now in course of payment.	Several shipments. Accounts unadjusted. Finally discharged.
Greenfield, Henry ..	9828 9 7	4808 5 2	4616 4 5	404 0 0	0 0 0	Nothing further recoverable. Insolvent died.
Gowrey Churn Bonnerjee ..	400 0 0	0 0 0	28 0 0	372 0 0	0 0 0	Ditto ditto. Ditto.
Greedhur Mullick ..	500 0 0	0 0 0	27 0 0	473 0 0	0 0 0	Several shipments. Results unknown.
Gibson and Co. ..	127611 1 1	53390 2 8	72496 1 2	1724 13 3	which is kept for unclaimed Dividends.	Large outstandings recoverable. Amongst the other payments, a large sum is paid to the Agra Bank as per decree of Court.

Gregory, G. G.	..	1189	3	11	469	12	1	458	15	3	260	8	7	of which Rs. 83 1 11 is for Dividends now in course of payment.	Nothing further recoverable.
Greenstreet, E S.	..	1508	3	9	0	0	0	970	9	4	537	0	5	0 0 0	Ditto ditto.
Gibbon and Co. (Meerut Concern)	..	9520	10	0	0	0	0	0	0	0	9520	10	0	0 0 0	Outstandings in course of recovery. Amount uncertain Schedule not yet filed.
Hervey, Andrew	..	74403	5	8	599	4	6	7	6467	7	11	8021	7	2	of which Rs. 2793 3 2 is for Dividends now in course of payment.	Ordered and pays half of his pay and allowances.
Hudson, Nathaniel	..	1968	14	3	0	0	0	136	12	0	1832	2	3	0 0 0	Nothing further recoverable. Insolvent died.
Heberlet, Andrew	..	707	4	7	70	0	0	90	4	0	547	0	7	0 0 0	Ditto ditto. Ditto.
Hurrosunker Ghose	..	1786	2	2	0	0	0	209	6	0	1576	12	2	0 0 0	Ditto ditto.
Hullodhur Day	..	637	8	9	0	0	0	94	4	0	543	4	9	0 0 0	Ditto ditto Insolvent died.
Harrowell, James	..	383	11	4	0	0	0	44	0	0	339	11	4	0 0 0	Ditto ditto. Ditto.
Hoppe, William	..	1346	8	6	0	0	0	514	1	10	832	6	8	0 0 0	Ditto ditto.
Hughes and Templer	..	12052	4	1	5179	4	11	5957	11	4	915	3	10	0 0 0	Several shipments. Amount of recoveries uncertain.
Harvard, J. H. M.	..	1612	0	0	0	0	0	1020	9	2	591	6	10	0 0 0	Nothing further recoverable. Insolvent died.
Huffnagle and Co., Charles	..	1282	14	6	0	0	0	135	12	0	1147	2	6	0 0 0	Some outstandings. Recoveries uncertain.
Hurruck Chund Doogai	..	2118	14	0	0	0	0	294	2	0	1824	12	0	0 0 0	Schedule not yet filed.
Heinze, Ludwig	..	1256	14	0	0	0	0	476	14	4	779	15	8	0 0 0	Some outstandings to be recovered from a suit now pending in England.
Hickey, William 2nd	..	1334	0	0	0	0	0	8	0	0	1326	0	0	0 0 0	Ordered and pays 50 Rs. per month from his pay.
Heeraloll and Hunnoomontaram	..	752	14	3	0	0	0	7	0	0	745	14	3	0 0 0	Schedule not yet filed.
Hurrynarain Day	..	168330	5	7	61571	4	1	106023	15	7	735	1	11	of which Rs. 265 15 7 is for Dividends now in course of payment.	Nothing further recoverable. Finally discharged.
Holloway, William	..	490	0	0	0	0	0	87	4	0	402	12	0	0 0 0	Ordered and pays Rs. 35 per month from his pay.
Hollway, William, 2nd (Milliner)	..	2454	5	4	0	0	0	1881	7	7	572	13	9	0 0 0	Outstandings in course of recovery.
Jephson George	..	315	8	11	0	0	0	82	9	2	232	15	9	0 0 0	Nothing further recoverable.
John Lackersteen and Brothers	..	311518	0	2	118567	2	11	172121	0	11	20829	12	4	4762 0 5	Several outstandings. Recoveries uncertain. A suit pending in Scotland.
Jerdan, George C.	..	3241	3	0	1663	13	7	1303	9	5	273	12	0	of which Rs. 29 7 8 is for Dividends.	Something more recoverable. Ordered to pay Rs. 150 per month.
Kemp, H. C. (T. Hyde Gardiner and Co.)	..	29161	0	7	15281	0	9	4368	8	10	9511	7	0	of which Rs. 8488 6 4 is for Dividends.	Nothing further recoverable.
Kelly, W. S	..	1603	5	3	0	0	0	495	12	8	1107	8	7	0 0 0	Ditto ditto.
Kistnopersaud and Hurrypersaud Chuckerbutty	..	371	0	7	0	0	0	39	4	0	331	12	7	0 0 0	Ditto ditto.
Kemp, H C	..	2469	15	10	0	0	0	132	4	0	2337	11	10	0 0 0	Ditto ditto. Insolvent died.
Kerr, Norman	..	1300	2	0	0	0	0	81	0	10	1219	1	2	441 14 9	Ditto ditto. Finally discharged.
King, W. J.	..	5600	9	10	4152	9	3	1075	6	9	372	9	10	0 0 0	Ditto ditto.
Kleyn, Thomas	..	473	3	0	0	0	0	214	0	0	259	3	0	0 0 0	Some outstandings. Recoveries uncertain.
Kelly, C. F.	..	500	0	0	0	0	0	0	0	0	500	0	0	0 0 0	Ordered and pays Rs. 50 per month from his pay.
Lake, Hamill and Co.	..	4542	13	6	0	0	0	1903	9	3	2639	4	3	1723 1 4	Nothing further recoverable. Accounts unadjusted.

ESTATES.	Whole Amount of Receipts.	Whole Disbursements.		Balance Remaining.	Of the balance, there is invested in Government Securities, (the remainder being Cash in the Bank of Bengal.)	Probable Out-turn of the Dependencies.
		Dividends Paid.	Other Payments.			
Lane, John Fraser ..	510 10 10	162 9 0	65 4 0	282 13 10	0 0 0	Nothing further recoverable. Insolvent died.
Leighton, Henry J. ..	12674 6 4	11307 3 9	885 15 5	481 3 2	0 0 0	Ditto ditto. Ditto.
Landeman, J. V. ..	712 6 10	231 0 0	110 4 0	371 2 10	0 0 0	Ditto ditto. Ditto.
Lusignan, C. K. ..	367 11 10	0 0 0	61 4 0	306 7 10	0 0 0	Ditto ditto. Ditto.
Ledlie, A. H., 2nd ..	1654 8 7	0 0 0	520 2 6	1134 6 1	0 0 0	Ditto ditto.
Lackersteen, C. R. and Co. ..	8522 7 5	596 14 3	1517 8 5	6408 0 9	of which Rs. 5910 4 6 is for Dividends now in course of payment.	Something further recoverable. Amount uncertain. Large shipments. Results unknown.
Lindsay, D. B ..	1400 0 0	0 0 0	465 1 0	934 15 0	0 0 0	Nothing further recoverable. Finally discharged.
Lord, Brothers ..	6800 9 0	1844 12 6	1580 5 8	2875 6 10	of which Rs. 2432 5 8 is for Dividends now in course of payment.	Outstandings in course of recovery. Finally discharged.
Lord, T. H. ..	2615 10 3	2075 7 5	182 9 9	357 9 1	of which Rs. 192 14 1 is for Dividends now in course of payment.	Nothing further recoverable.
Lochner, Frederick Henry ..	300 0 0	0 0 0	0 0 0	300 0 0	0 0 0	Ordered and pays 50 Rs per month from his pay.
Limond, Campbell ..	1822 8 8	0 0 0	0 0 0	1822 8 8	0 0 0	Ordered and pays deduction from his salary.
Mackenzie, R. (J. A. Currie and Co.)	2395 13 8	122 8 0	906 2 5	1367 3 3	0 0 0	Nothing further recoverable. Finally discharged.
Macdonald, R. C. ..	30259 1 5	18229 11 9	1967 3 11	10062 1 9	of which Rs. 491 10 11 is for Dividends and Co.'s Paper for Rs. 8877 15 4	Ditto ditto. Insolvent died.
Macvitie, Richard F. ..	1341 14 11	554 2 2	159 12 0	628 0 9	0 0 0	Ditto ditto. Finally discharged.
Macdonald, R. B. ..	3492 6 0	346 11 1	223 5 1	2922 5 10	883 13 1	Ditto ditto. Retained for Creditors. Insolvent died.
Maclean, L. A. ..	524 2 1	169 9 4	91 4 0	263 4 9	0 0 0	Ditto ditto. Insolvent died.
Melville, William ..	1352 8 5	0 0 0	94 7 7	1258 0 10	441 14 0	Ditto ditto. Ditto.
Manuk, M. M. ..	604 8 8	0 0 0	94 4 0	510 4 8	0 0 0	Ditto ditto. Ditto.
Morris, James, Senior ..	577 0 9	0 0 0	66 12 0	510 4 9	0 0 0	Ditto ditto. Ditto.
Macnaghten, R. A. ..	368 8 3	0 0 0	66 12 0	301 12 3	0 0 0	Ditto ditto. Ditto.
Manick Chunder Khan ..	469 11 6	0 0 0	104 4 0	365 7 6	0 0 0	Ditto ditto. Ditto.
Monteath, John ..	811 0 3	20 12 0	65 4 0	725 0 3	0 0 0	Ditto ditto. Ditto.
Murdoch, A. M. ..	537 14 3	0 0 0	74 4 0	463 10 3	0 0 0	Ditto ditto.
Murdoch, Mackenzie and Co. ..	5571 6 3	0 0 0	4906 6 8	664 15 7	0 0 0	Several outstandings, partly recoverable.
Macfarlane and Co. ..	11650 11 2	3944 10 0	6666 7 0	1039 10 2	0 0 0	Ditto ditto
Moorallydhur Newgy ..	1385 0 8	0 0 0	76 0 0	1309 0 8	0 0 0	Small outstandings desperate.
Mayer, F. ..	453 15 1	0 0 0	27 0 0	426 15 1	0 0 0	Nothing further recoverable. Insolvent died.
Monk, William ..	350 0 0	0 0 0	69 10 6	280 5 6	0 0 0	Ordered to pay 50 Rs. per month. Insolvent not to be found.

Mottley, Charles, 2nd	..	5500	0	0	4463	8	11	560	15	10	475	7	3	0	0	0	Nothing further recoverable.
Muddonmohun Bose	..	542	9	3	0	0	0	111	2	3	431	7	0	0	0	0	Some outstanding, recoveries uncertain.
Muddoosoodun Addy	..	2904	13	8	0	0	0	791	7	2	2113	6	6	0	0	0	Nothing further recoverable. Insolvent died.
Meer Dawood Ally	..	8000	0	0	0	0	0	2627	10	6	5372	5	6	0	0	0	Outstandings in course of recovery.
Marriott, G. W.	..	3826	10	3	0	0	0	604	0	0	3222	10	3	0	0	0	Nothing further recoverable.
Macdonald, Daniel	..	1026	0	8	0	0	0	403	14	4	622	2	4	0	0	0	Ditto ditto. Finally discharged.
Nursing Chunder Bose	..	1030	0	0	0	0	0	88	11	0	941	5	0	0	0	0	Ditto ditto. Ditto.
Nyss, John	..	750	2	11	0	0	0	94	4	0	655	14	11	0	0	0	Ditto ditto. Out of employ; pensioned.
Nilmadub Mookerjee	..	616	13	10	0	0	0	109	4	0	507	9	10	0	0	0	Nothing further recoverable. Finally discharged.
Nilkaunt Sircar	..	574	14	11	0	0	0	104	4	0	470	10	11	0	0	0	Ditto ditto.
Nares, G. W. A.	..	292	12	6	0	0	0	62	12	0	230	0	6	0	0	0	Ditto ditto.
Norton, C. P.	..	1099	9	9	0	0	0	549	6	6	540	3	3	0	0	0	Ditto ditto.
Nilrutton Holdar, 2nd	..	6 90	0	0	4963	4	11	911	12	10	314	15	1	of which Rs. 289 is for Dividends now in course of payment.	12	10	Ditto ditto. Insolvent died.
Nash, J. D.	..	2800	0	0	1160	3	8	416	2	3	1193	10	1	of which Rs. 1066 is for Dividends now in course of payment.	13	1	Ditto ditto. Finally discharged.
Nemychund Bysack	..	1210	13	0	0	0	0	280	0	0	930	13	0	0	0	0	Outstandings in course of recovery.
Norman, Brothers	..	17991	0	10	156	14	8	3447	7	3	14386	10	11	of which Rs 11677 is for Dividends now in course of payment.	0	0	Ditto ditto.
Omachurn Bonnerjee	..	6626	14	1	0	0	0	682	5	8	5944	8	5	2646	11	6	Nothing further recoverable. A suit pending.
Oboychurn Dutt	..	978	6	9	487	9	9	48	0	0	442	13	0	0	0	0	Ditto ditto. Finally discharged
Oboychurn Mullick and others	..	725	4	5	0	0	0	87	4	0	638	0	5	0	0	0	Nothing further recoverable. Finally discharged.
Orde, W. K.	..	1860	0	0	353	11	7	365	7	9	1140	12	8	of which Rs. 1056 is for Dividends now in course of payments.	5	5	Ditto ditto. Insolvent died.
Patrick, William	...	1201	10	6	0	0	0	110	6	10	1091	3	8	441	14	9	Ditto ditto. Ditto.
Pittis, Edward	..	1446	5	11	0	0	0	103	15	10	1342	6	1	441	14	9	Ditto ditto Ditto.
Palmer, John	..	5865	12	1	3928	2	7	622	0	4	1305	9	2	0	0	0	Ditto ditto. Ditto.
Perry, Thomas	..	408	7	10	0	0	0	72	12	0	335	11	10	0	0	0	Ditto ditto.
Palmer, H. G.	..	326	5	5	0	0	0	62	12	0	263	9	5	0	0	0	Ditto ditto. Ditto.
Pew, P. L.	..	47453	13	7	498	5	3	8781	7	6	38174	0	10	of which Rs. 26286 is for Dividends now in course of payment and Co.'s Paper for Rs. 109	12	3 6 1 9	All Estate, consisting of joint-stock shares under mortgage; value uncertain. Insolvent died.
Palmer, Thomas	..	1473	0	0	0	0	0	773	4	9	699	11	3	0	0	0	Nothing further recoverable. Finally discharged.
Panioty, C.	..	614	1	0	0	0	0	2	0	0	612	1	0	0	0	0	Ditto ditto.
Railey, G. F. (W. Newson and Co.)		11125	2	9	6986	2	4	2740	4	10	1398	11	7	0	0	0	Recoveries uncertain. Accounts generally disputed Finally discharged.
Rogers, A.	..	9186	4	6	0	0	0	3617	3	6	5569	1	0	1767	10	6	All property under mortgage. Accounts unadjusted.
Russell, C. D.	..	7339	11	6	5872	15	2	709	4	2	757	8	2	of which Rs. 83 is for Dividends.	2	7	Retained for Creditors. Finally discharged.
Rogoonauth Bose	..	1678	13	4	517	12	5	288	14	6	922	2	5	0	0	0	Nothing further recoverable. Insolvent died.

ESTATES.	Whole Amount of Receipts.	Whole Disbursements.		Balance Remaining.	Of the balance, there is invested in Government Securities, (the remainder being Cash in the Bank of Bengal)	Probable Out-turn of the Dependencies.
		Dividends Paid.	Other Payments			
Robertson, J. C. .	383 14 8	0 0 0	65 12 0	318 2 8	0 0 0	Nothing further recoverable.
Ramkissen Colleah ..	371 11 7	0 0 0	65 12 0	305 15 7	0 0 0	Ditto ditto. Insolvent died.
Rajkissore Dutt, 1st ..	3643 12 4	0 0 0	393 7 9	3250 4 7	883 13 3	Ditto ditto. Retained for Creditors.
Roussac, A. G. ..	11424 6 9	8883 5 8	887 3 3	1653 13 10	of which Rs. 1003 9 6 is for Dividends.	Ditto ditto.
Rushton, William ..	893 13 3	126 12 0	83 4 0	683 13 3	0 0 0	Ditto ditto. Outstandings desperate.
Ryan, E. B. ..	633 8 9	0 0 0	83 4 0	550 4 9	0 0 0	Nothing further recoverable. Insolvent died.
Ramnarain Naug ..	7898 8 6	5122 1 0	2529 11 6	246 12 0	of which Rs. 210 0 0 is for Dividends.	Ditto ditto. Ditto.
Ramdhone Mitter ..	419 11 3	0 0 0	0 0 0	419 11 3	0 0 0	Ditto ditto.
Rustomjee Cowasjee ..	449 12 10	0 0 0	7 0 0	442 12 10	0 0 0	Ditto ditto Insolvent died.
Rustomjee Cowasjee and Co. ..	9302 11 7	0 0 0	5610 1 1	3692 10 6	0 0 0	Ditto ditto.
Ramsabuck Misser and two others ..	3874 6 6	0 0 0	1209 15 2	2664 7 4	0 0 0	Large outstandings. Recoveries uncertain.
Rajkissen Bysack ..	850 0 0	0 0 0	270 12 0	579 4 0	0 0 0	There are outstandings, but recoveries uncertain.
Robinson, S. H. ..	629 10 9	0 0 0	0 0 0	629 10 9	0 0 0	Outstandings in course of recovery.
Read, Peter Henry ..	674 0 0	0 0 0	176 12 0	497 4 0	0 0 0	Nothing further recoverable. Finally discharged.
Ramnarain Sreemany ..	2164 4 6	0 0 0	1397 9 9	766 10 9	0 0 0	Outstandings in course of recovery.
Ritchie, A. S. ..	573 14 7	0 0 0	107 10 0	466 4 7	0 0 0	Nothing further recoverable. Finally discharged.
Robinson, J. J. (Wallace and Co.) ..	2977 8 8	0 0 0	1864 1 0	1113 7 8	0 0 0	Outstandings in course of recovery at Rangoon.
Saunders, S. J. ..	14404 15 6	11011 8 10	1237 2 11	2156 3 9	of which Rs. 2043 6 5 is for Dividends.	Nothing further recoverable. Retired from the Service.
Sinaes, W. De.M. ..	2826 6 9	2156 12 4	427 11 7	241 14 10	0 0 0	Ditto ditto. Insolvent died.
Smith, W. S. ..	520 13 5	0 0 0	83 12 0	437 1 5	0 0 0	Ditto ditto. Ditto.
Stocqueler, J. H. ..	5615 2 4	0 0 0	5243 3 4	371 15 0	0 0 0	Ditto ditto.
Savigny, Joseph ..	1522 13 1	724 10 10	169 15 9	628 2 6	of which Rs. 84 6 0 is for Dividends.	Ditto ditto. Insolvent died.
Schlatter, Michael ..	15105 12 10	5702 8 9	1290 2 11	8113 1 2	of which Rs. 6090 15 0 is for Dividends.	Ditto ditto. Ditto.
Speede, G. T. F. ..	340 8 7	24 0 0	55 12 0	260 12 7	0 0 0	Ditto ditto. Ditto.
Sage, J. W. ..	599 5 8	0 0 0	72 12 0	526 9 8	0 0 0	Ditto ditto. Ditto.
Sumbhoonauth Mullick ..	452 10 5	0 0 0	71 2 0	380 14 5	0 0 0	Ditto ditto. Finally discharged.
Smoult, W. H. ...	1437 9 9	0 0 0	85 4 6	1352 5 3	441 7 0	Ditto ditto. Ditto.
Sheppard, G. A. ...	5312 5 9	3991 11 3	397 13 5	922 13 1	0 0 0	Some small outstandings recoverable.
Sarkies and Co., P. J. ...	56013 1 1	5924 2 9	49161 7 3	927 7 1	of which Rs. 538 8 3 is for Dividends	Nothing further recoverable. Finally discharged.
Sarkies, P. J. ...	9955 8 10	5802 5 0	2900 3 5	1253 0 5	of which Rs. 1072 15 7 is for Dividends.	Ditto ditto. Ditto.

Scott, C. C. J.	...	7413	13	9	4659	10	11	852	9	9	1901	9	1	of which Rs. 675 10 4 is for Dividends.	Ditto ditto. Insolvent died.
Stewart, Patrick	...	1298	14	9	0	0	0	1053	9	10	245	4	11	0 0 0	A small sum further recoverable.
Simpson, James	...	1905	10	4	1147	14	10	481	3	6	276	8	0	of which Rs. 20 2 6 is for Dividends.	Nothing further recoverable.
Smith, Huffnagle and Co.	...	21868	9	8	9051	13	1	10130	1	1	2686	10	8	of which Rs. 12 14 5 is for Dividends.	Large outstandings, recoveries uncertain.
Stubbs, W. V. G.	...	3457	3	6	0	0	0	1469	8	7	1987	10	11	0 0 0	Outstandings in course of recovery.
Snook, J. V.	...	775	10	0	0	0	0	21	0	0	754	10	0	0 0 0	Nothing further recoverable. Insolvent died.
Sealy, C. P.	...	510	0	0	0	0	0	0	0	0	510	0	0	0 0 0	Ordered and pays 30 Rs. per month from his pay.
Stewart, Hay T.	...	450	0	0	0	0	0	7	0	0	443	0	0	0 0 0	Nothing further recoverable.
Smith, G. M. G.	...	1000	0	0	0	0	0	23	0	0	977	0	0	0 0 0	Ditto ditto. Finally discharged.
Thomas, Robert, 1st	...	631	4	1	0	0	0	79	4	0	552	0	1	0 0 0	Ditto ditto. Ditto.
Turner, James	...	415	11	11	0	0	0	61	4	0	354	7	11	0 0 0	Ditto ditto. Ditto.
Turton, Sir T. E. M.	...	237951	3	3	135465	12	6	99613	9	0	2871	13	9	which is for Dividends now in course of payment.	Ditto ditto. Insolvent died.
Thomas, G. P.	...	2402	1	7	0	0	0	475	6	6	1926	11	1	0 0 0	Ordered to pay 96 Rs. per month, but not paid up.
Twentyman and Co.	...	485	2	6	0	0	0	21	4	8	463	13	10	0 0 0	Outstandings in course of recovery.
Templeton, M. S.	..	4397	8	5	2602	13	1	686	1	10	1108	9	6	0 0 0	Ordered and pays 100 Rs. per month.
Twentyman, W. J.	..	1502	6	7	0	0	0	210	0	0	1292	8	7	0 0 0	Nothing further recoverable.
Vandenberg, J. B., 1st	..	3531	14	0	0	0	0	2295	2	9	1236	8	3	0 0 0	Something recoverable annually by Interest on a Trust Fund.
Vandenberg, J. B., 2nd	..	4267	13	0	2550	10	3	276	15	0	1440	3	7	of which Rs. 1396 4 1 is for Dividends now in course of payment.	Nothing further recoverable.
Williams, Stephen	..	15624	10	2	10285	9	2	1528	12	4	3810	4	8	of which Rs. 2329 8 7 is for Dividends now in course of payment.	Ordered and pays 141 Rs. per month.
Waring, E. S. S.	..	2569	1	11	1769	2	9	309	6	3	492	8	11	0 0 0	Nothing further recoverable.
Watkinson, John	..	327	4	6	0	0	0	45	12	0	281	8	6	0 0 0	Ditto ditto.
Woodford, C. T. O.	..	2050	0	0	1158	6	11	579	14	6	311	10	7	0 0 0	Ditto ditto.
Watson and Co.	..	2202	5	3	0	0	0	73	9	6	2128	11	9	0 0 0	Outstandings in course of recovery. Schedule not yet filed.
Young, Joseph	..	500	0	0	0	0	0	211	10	9	288	5	3	0 0 0	Nothing further recoverable. Insolvent died.

In addition to the above, there are 155 Estates under Rupees 220 each, aggregating Rupees 17,031-7-4, the particulars of which may be learnt at my Office.

The Official Assignee has received for remuneration for the last Quarter, on the Estates above enumerated, Company's Rupees Eight Thousand Seven Hundred and Seventeen, two annas and five pies.

JOHN COCHRANE,
Official Assignee.

Calcutta, 1st February 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work*

CECIL BEADON,
Secy to the Govt. of India.

WEDNESDAY, FEBRUARY 25, 1857.

Legislative Council.

The 14th February 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 9th February 1857, and is hereby promulgated for general information :—

ACT No. IV OF 1857.

An Act to amend the law relating to the duties payable on Tobacco and the retail sale and warehousing thereof in the Town of Bombay.

Preamble.

WHEREAS it is expedient to amend the law relating to the duties payable on Tobacco and the retail sale and warehousing of that article in the Town of Bombay, It is hereby enacted as follows :—

Laws repealed.

I. Chapters V, VI, VII, and VIII of Regulation XXI. 1827 of the Bombay Code, and Act XXIV of 1850, are hereby repealed, but not so as to revive any other Regulation or Act thereby repealed.

Municipal Duty on Tobacco intended for consumption in Bombay

II. All Tobacco (except such small quantities as are hereinafter mentioned) imported from any place into the Town of Bombay and intended for consumption therein, shall be liable to a duty of seven Rupees and eight annas per maund of forty seers of eighty tolas to the seer. which duty is hereinafter called the Municipal Duty ; and such duty shall be leviable in addition to any Customs Duty prescribed by law.

Municipal Duty when payable.

III. The said Municipal Duty may be paid at the option of the importer either on the importation of the Tobacco, or after it has been warehoused as hereinafter provided.

Duty if not paid on importation, to be paid on removal from warehouse for consumption.

IV. If the said Municipal Duty is not paid on importation, the Tobacco shall be warehoused in a public or licensed warehouse within the meaning of Act XXV of 1856 ; and the importer shall pay such duty on the said Tobacco on its removal from the warehouse for consumption in the said Town.

Remission of Municipal Duty on re-exportation.

When Tobacco so warehoused is re-exported to any place beyond the limits of the said Town, the whole of the said Municipal Duty shall be remitted.

Bombay a warehousing port for Tobacco.

V. The port of Bombay shall, after the passing of this Act, be held to be a warehousing port within the meaning of Act XXV of 1856, so far as regards the warehousing of Tobacco ; and the provisions of the said Act, so far as the same are applicable, shall be applied to the warehousing of Tobacco in the said Town. The Import Duty in the said Act mentioned shall, as to Tobacco, include the Municipal Duty leviable under this Act.

Powers for collection and enforcing payment of the Municipal duty.

VI. The Commissioner of Customs, Salt, and Opium, and Officers of Customs, shall have all the same powers and authorities for collecting and enforcing payment of the said Municipal Duty in addition to the powers and authorities specified in this Act, as they now have or shall have in respect of duties of Customs.

Tobacco not to be imported otherwise than by Sea.

VII. It shall not be lawful, without the permission of the Commissioner of Customs, Salt, and Opium, or other Officer empowered by Government to grant such permission, to bring any Tobacco or any preparation

thereof into Bombay otherwise than by sea, nor to land the same at any other landing places than such as may from time to time be prescribed by the Government of Bombay.

Landing places to be prescribed.

VIII. The foregoing provisions of this Act shall not be applicable to such small quantities of Tobacco (not exceeding in weight four seers of eighty tolas to the seer) as are intended for the private consumption of the importer.

Exemption from Duty.

IX. It shall not be lawful to remove any Tobacco from one place to another within the said Town, nor to carry or convey the same on any thoroughfare in the said Town, nor to carry the same in any vessel or boat of less than forty candies burthen in any of the creeks or waters adjacent to the said Town, without a Permit from the Commissioner of Customs, Salt, and Opium, which Permit shall be in the form of Schedule A to this Act annexed, or to the like effect; any such Permit shall be in force only between sunrise and sunset of the day for which it is granted. Provided always, that it shall be lawful to convey without a Permit any Tobacco so far as may be necessary for the lawful importation thereof according to the provisions of this Act, and also small quantities of Tobacco, not exceeding in weight four seers of eighty tolas to the seer, for personal or domestic use.

Permit necessary for removal of Tobacco.

Proviso.

X. No Permit shall be granted for the removal from warehouse of any quantity of Tobacco less than an entire bale or package. Provided that, when Tobacco is to be removed for consumption in the said Town, the Commissioner of Customs, Salt, and Opium, may give permission to open any bale or package previous to removal and to set aside such portion thereof as may be refuse or waste; and the said refuse or waste may be re-exported, under the rules for the re-export of Tobacco, at any time within one month from the date of such permission, or, if it be not so re-exported, may be destroyed by order of the Commissioner.

No Permit for removal from warehouse of less than a bale.

Proviso.

XI. It shall not be lawful for any person to sell or offer for sale by retail any Tobacco in the said Town without a license from the Commissioner of Customs, Salt, and Opium, or other Officer duly empowered by Government in that behalf, which license shall be in force for a period of twelve Calendar months from the date thereof, unless the person to whom the license is granted shall be deprived thereof under the provisions of this Act. A Fee of one Rupee shall be paid for every such license.

License for retail sale of Tobacco.

XII. Any sale of Tobacco not exceeding in weight fourteen seers of eighty tolas to the seer shall be deemed to be a retail sale within the meaning of this Act.

What to be deemed a retail sale.

XIII. It shall not be lawful for any licensed retail dealer in Tobacco to carry on the retail sale of the same, or to keep any store of the same, except at such shop or other premises as may be specified in his license; and the name of every retail dealer in Tobacco, together with the number of his license, shall be written or painted in English, Guzerati, and Maharatti, in plain and legible characters of not less than one inch in height, on a board to be affixed in a conspicuous manner in the front of the shop or premises where such retail sale is carried on.

Retail sale to be only at the place mentioned in the license.

Name of licensed dealer to be affixed to shop.

XIV. Every retail dealer in Tobacco shall, on or before the tenth day of each month, make to the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, a separate return for each shop or place of sale for which he holds a license, showing the quantity of Tobacco on hand therein at the beginning of the preceding month, the quantity received during such month, and the persons from whom, and the dates on which, he received it, and the stock remaining at the close of such month; and any retail dealer, who refuses or neglects to make such return or makes a false return, shall be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Monthly returns of stock to be made by retail dealers.

XV. Every retail dealer in Tobacco shall, on the same day on which he shall receive any Tobacco into any such shop or place of sale, enter in a book to be kept for that purpose, the weight of such Tobacco, the day on which he receives the same, and the name of the person from whom, and the place from which, he receives it; and such book shall be open to the inspection of the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or of any person authorized by the Commissioner or such Officer to inspect the same; and the Commissioner or other Officer or person as aforesaid inspecting the said book, may make any minute therein, or any extract therefrom, which he shall think fit; and any retail dealer who neglects or refuses to comply with the provisions of this Section, shall for every offence be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Retail dealer to make entry in a book, of weight, &c. of all Tobacco received.

Inspection of book.

XVI. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, may issue a warrant under his hand and seal to any public Officer, commanding him to enter and search between sunrise and sunset any building or place to be specified in the warrant in which Tobacco may be deposited under the provisions of this Act, or in which the Commissioner or other Officer as aforesaid has been credibly informed, which information shall be taken down in writing, that Tobacco is deposited contrary to the provisions of this Act; and to seize and take away from thence any Tobacco or other articles subject to confiscation under this Act.

Search Warrant.

XVII. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or any public Officer authorized by the Commissioner or such Officer, may arrest and detain any

Power to arrest and detain.

person carrying or having charge of any Tobacco liable to confiscation under this Act, and may

To search vehicles, &c.

detain and search any vessel or package, and any boat or vehicle, containing or conveying, or supposed to contain or convey, any such Tobacco.

XVIII. All Tobacco imported into the said Town or removed from one place to another or kept within the said Town, or found in the possession of any person in the said Town selling or offering any portion thereof for sale, contrary to the provisions of this Act, and every vessel in which such Tobacco is contained; and every vehicle, boat, or animal employed with the consent and knowledge of the owner or his servant in conveying the same—shall be liable to confiscation. Provided always, that it shall be lawful for the adjudicating Officer to mitigate the penalty of confiscation herein provided, by commuting the same to the payment of any fine not exceeding the value of the goods liable to confiscation; and every such fine may be enforced, if necessary, by the sale of the goods liable to confiscation.

Confiscation of Tobacco illegally imported, removed, &c.

Mitigation of penalty.

XIX. Any person, who shall illegally import, remove, or sell in the said Town, any Tobacco, or who shall knowingly have in his possession any Tobacco subject to confiscation under this Act, shall be liable to a fine not exceeding ten times the value of such Tobacco; and if the offender is a licensed retail dealer, he shall be liable to be deprived of his license by the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid.

Penalty for illegal importation, removal, sale, or possession.

Revocation of license.

XX. All confiscations and fines under this Act may be adjudicated and levied by any Magistrate of Police for the Town of Bombay. Goods adjudged liable to confiscation shall be sold under warrant of the Magistrate.

Levy of fines and adjudication and sale of confiscations.

XXI. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction. :—

Interpretation.

The words "Town of Bombay" shall include all places within the Islands of Bombay and Colaba.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

SCHEDULE A.

Form of Permit.

No

A. B. has been permitted to remove from *(Custom House or licensed warehouse or shop No. situated in Kabbulavie street to warehouse or shop No. in Bazar street)* the under-mentioned quantity of Tobacco between sunrise and sunset on the day of in the year

(Signed)———

Commissioner of Customs, Salt, and Opium.

W. MORGAN,

Clerk of the Council.

Legislative Council.

The 21st February 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 13th February 1857, and is hereby promulgated for general information :—

ACT No. V OF 1857.

An Act to confer certain powers on the Oriental Gas Company, Limited.

WHEREAS a Joint Stock Company has been lately formed for the purpose of introducing Gas-works into India, which Company having been completely registered in England under the Act of Parliament of the eighth year of the reign of her present Majesty, Cap 110, has since been registered in England under "The Joint Stock Companies' Act, 1856" with limited liability, and has duly obtained a certificate of Incorporation under the name of the Oriental Gas Company, Limited; and whereas the said Company has erected Gas-works on land granted for that purpose by Government in the vicinity of the Town of Calcutta, and is engaged in the preparation of apparatus and materials for the manufacture and supply of Gas for lighting the said Town; and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with Gas the said Town of Calcutta, which powers and facilities may hereafter be extended to the operations of the said Company in other Towns and places: It is enacted as follows :—

Preamble.

I. In the Town of Calcutta and its environs, and in any other Town or place to which the provisions of this Act may hereafter be extended, by a law to be passed for that purpose, the Oriental Gas Company, Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the Gas; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges; and they may in such streets erect any pillars, lamps, and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying Gas to the inhabitants of the said Town of Calcutta and its environs, or other Town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Power to break up streets, &c., under superintendence, and to open drains.

II. Provided always, that nothing herein shall authorize or empower the said Company to lay down or place any pipe or other works into, through, or against any build-

Not to enter on private land without consent.

ing, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof; except that the said Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe, in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

Notice to be served on persons having control, &c., before breaking up streets or opening drains.

III. Before the said Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Municipal Commissioners for the Town of Calcutta, or other persons under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work; except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Streets or drains not to be broken up, except under superintendence of persons having control of the same.

IV. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate; and such Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain. Provided always, that, if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

If persons having the control, &c., fail to superintend, Company may proceed with the work.

Streets, broken up to be re-instated without delay.

V. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and re-instate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up; and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for delay in re-instating streets.

VI. If the said Company open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorized to perform such works without any superintendence or notice; or if the said Company make any delay in completing any such work, or in filling in the ground or re-instating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

In case of delay, other parties may re-instate, and recover the expenses.

VII. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed; and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall, in case of any dispute about the same, be ascertained and recovered, in Calcutta and in any other Town or place subject to the jurisdiction of any of Her Majesty's Courts of Judicature, in the manner in which expenses are ascertained and recovered under Act XIV of 1856, and in any Town or place not within the jurisdiction of any of Her Majesty's Courts, in the same manner as damages are recoverable under this Act.

Expense how to be ascertained and recovered.

Power to enter buildings for ascertaining quantity of Gas consumed.

VIII. The Clerk, Engineer, or other Officer duly appointed for the purpose by the said Company, may, at all reasonable times, enter any buildings or place lighted with Gas supplied by the said Company, in order to inspect the meters, fittings, and works for regulating the supply of Gas, and for the purpose of ascertaining the quantity of Gas

consumed or supplied; and if any person hinder such Officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

Recovery of rents due for Gas.

IX. If any person supplied with Gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, neglect to pay the rent due for the same to the said Company, the said Company may stop the Gas from entering the premises of such person, by cutting off the service-pipes, or by such means as the said Company shall think fit, and recover the rent due from such person, together with the expenses of cutting off the Gas, by action in any Court of competent jurisdiction.

Power to take away pipes when supply of Gas discontinued.

X. In all cases in which the said Company are authorized to cut off and take away the supply of Gas from any house or building or premises under the provisions of this Act, the said Company, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the said Company.

Meters not liable to distraint for rent, &c.

XI. Any meter or fitting let for hire by the said Company shall not be subject to distress for rent or revenue, or any rate due upon the premises where the same may be used, nor be taken in execution under any process of a Court of law or equity, or any proceeding in Insolvency against the person in whose possession the same may be.

Penalty for fraudulently using Gas.

XII. Every person who shall lay, or cause to be laid, any pipe to communicate with any pipe belonging to the said Company, without their consent, or shall fraudulently injure an such meter as aforesaid, or who, in case the G . supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the Gas, or shall supply any other person with any part of the Gas supplied to him by the said Company, shall forfeit to the said Company the sum of fifty rupees for every such offence, and also the sum of twenty rupees for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the said Company may take off the Gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for wilfully damaging pipes.

XIII. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying Gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the Gas supplied by the said Company, shall, for each such offence, forfeit to the said Company any sum not exceeding fifty rupees, in addition to the amount of the damage done.

Satisfaction for accidentally damaging pipes.

XIV. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Company, or under their control, shall pay such sum of money by way of satisfaction to the said Company for the damage done, not exceeding fifty rupees, as any Magistrate shall think reasonable.

Penalty for causing water to be corrupted.

XV. If the said Company shall at any time cause or suffer to be brought, or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying Gas, or shall wilfully do any act connected with the making or supplying of Gas, whereby the water in any such stream, reservoir, aqueduct, pond, or place for water, shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees; and they shall forfeit an additional sum not exceeding five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company, by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby; and such penalties shall be paid to such last-mentioned person.

Daily penalty during the continuance of the offence.

Daily penalty during escape of Gas after notice.

XVI. Whenever any Gas shall escape from any pipe laid down or set up by or belonging to the said Company, they shall, immediately after receiving notice thereof in writing, prevent such Gas from escaping; and in case the said Company shall not, within twenty-four hours next after service of such notice, effectually prevent the Gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of fifty rupees for each day during which the Gas shall be suffered to escape, after the expiration of twenty-four hours from the service of such notice.

Penalty if water be fouled by Gas.

XVII. Whenever any water shall be fouled by the Gas of the said Company, they shall forfeit to the person whose water shall be so fouled, for every such offence a sum not exceeding two hundred rupees, and a further sum, not exceeding one hundred rupees for each day during which the offence shall continue, after the expiration of twenty four hours from the service of notice of such offence.

Power to examine Gas-pipes to ascertain cause of water being fouled.

XVII. For the purpose of ascertaining whether such water be fouled by the Gas of the said Company, the person to whom the water supposed to be fouled shall belong, may dig up the ground, and examine the pipes, conduits, and works of the said Company; provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice in writing to the said Com-

pany of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road, pavement, or place where such digging is to take place, and they shall be subject to the like obligation of re-instating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company, for the purpose of laying their pipes.

Expenses to abide result of examination.

XIX. If upon any such examination, it appear that such water has been fouled by any Gas belonging to the said Company, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the said Company; but if upon such examination it appear that the water has not been fouled by the Gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

How expenses to be ascertained.

XX. The amount of the expenses of every such examination and repair, and of any injury done to the said Company, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in Section VII of this Act.

Liability to indictments for nuisance.

XXI. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of making or supplying Gas.

Copies of the original Deed of Association and of all Rules, &c. to be kept for inspection at the Office of the Company in Calcutta and in the Office of the Registrar of Joint Stock Companies or the Keeper of the Records of the Supreme Court at Fort William.

XXII. A copy of the original Deed of Association of the said Company, and of every other instrument registered under the said "Joint Stock Companies' Act, 1856," as constituting the Regulations of the said Company, and a copy of every special resolution of a General Meeting whereby any change shall have been, or at any time shall be made in the Regulations of the said Company, shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office; and a copy of such original Deed of Association, and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the Office of the Registrar of Joint Stock Companies, or, if there be no such Officer, in the Office of the Keeper of the Records of the Supreme Court of Judicature at Fort William, and shall there be filed; and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the Keeper of the Records of the said Supreme Court, shall be good and sufficient evidence of each such original Deed, instrument, or special resolution, in all actions, suits, and proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice or before any Magistrate, or Revenue or other Officer, and whether acting judicially or in any proceeding preliminary to a judicial inquiry, throughout the Territories of the East India Company.

Service of process.

XXIII. All services of mesne or other process, and all notices whatsoever, which, by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given, in addition to all ways and means by which the same may otherwise be legally made, served, and given, by leaving the same addressed to the Managing Agent of the said Company at the Office in Calcutta of the said Company.

Recovery of penalties &c.

XXIV. All penalties and forfeitures imposed by this Act, and all damages and expenses the recovery of which is not specially provided for, may be recovered by summary proceeding before a Magistrate.

Levy by distress.

XXV. All penalties, forfeitures, damages, and expenses adjudged due under this Act, if the amount be not otherwise paid, may be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained; or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures, damages, or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage, or expenses may sue the person liable to pay the same in any Court of competent jurisdiction.

No distress unlawful for want of form, &c.

XXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Intrepretation.

XXVII. The following words and expressions used in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include a corporation, whether aggregate or sole.

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place.

The word "Magistrate" shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the powers of Magistrate, acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 21st February 1857.

THE following Bill was read a second time in the Legislative Council on the 21st February 1857, and was referred to a Select Committee who are to report thereon after the 25th of April next :—

A Bill to amend the Law regarding the provision of carriage and supplies for Troops and Travellers, and to punish unlawful impressment.

Preamble.

WHEREAS the habitual impressment by the Civil Power, under the Regulations in force in the Presidency of Fort William in Bengal, of carts, cattle, boats, boatmen, and bearers, in order to facilitate the passage of troops through the Districts of that Presidency, is unnecessary and oppressive ; and whereas such impressment is always liable to abuse, and therefore should never be resorted to except on occasions of emergency, when it may be impossible, even by the offer of more than the common rates of hire, to procure sufficient carriage in time to meet the emergency ; and whereas it is unnecessary to authorize travellers to require the assistance of Officers of Police in procuring means of transport, or supplies of provisions or of other articles during their journeys, and such assistance, when given, is oppressive, and liable to abuse : It is enacted as follows :—

Laws repealed and modified.

I. Sections II and VIII, and Clause 7 Section IX of Regulation XI of 1806 of the Bengal Code are repealed. Sections III, IV, VI, and VII of the said Regulation, and Regulation VI of 1825, of the same Code are modified, and their operation restricted in the manner following.

Collectors, Magistrates, &c., prohibited from impressing all means of transport, except as hereinafter provided.

II. Except as hereinafter provided, all Collectors and Magistrates, and all Officers subordinate to them, are prohibited from impressing any carts, cattle, boats, boatmen, bearers, or any other means of transport whatsoever, for any purpose whatsoever ; anything in Regulation XI of 1806, or Regulation VI of 1825 of the Bengal Code to the contrary notwithstanding.

Punishment for subordinate Revenue or Police Officers impressing means of transport or workmen, and for enforcing delivery of provisions, &c. to travellers.

III. Whoever, being an Officer of Revenue or Police subordinate to a Collector or Magistrate, impresses or attempts to impress any cart, cattle, boat, boatman, bearer, cooly, or other means of transport contrary to the provisions of this Act, or otherwise without authority of law ; or impresses or attempts to impress any workman, laborer, or cooly, without authority of law ; or enforces or attempts to enforce the delivery of supplies of provisions or other articles to travellers or others, without authority of law—shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months, and shall also be liable to fine. And the conviction of an offender under this Section shall not bar the right of any person, directly or indirectly injured by any such illegal act, to redress by Civil action.

In cases of emergency, Military Officers in command of troops may, by an order, be authorized to require Collectors and Magistrates to aid in procuring carriage, supplies, &c.

IV. It shall be lawful for the Governor General of India in Council, and for any Lieutenant-Governor, and for any Chief Civil Officer of any Province under the immediate jurisdiction of the Government of India, within their respective jurisdictions, by an order stating that a case of emergency has arisen, and that it is impossible, even by the offer of double the common rates of hire and prices, to obtain the carriage, and to arrange for the provision of supplies for the troops required to meet the emergency, to authorize any Military Officer commanding a body or detachment of troops to call upon the Collectors and the Magistrates of Districts or places from, through, or near to which such troops are ordered to march, to aid in procuring all necessary carriage whether by land or water, and supplies, and to facilitate the progress of the troops through his jurisdiction by the preparation of boats, or temporary bridges instead of boats, when necessary for crossing streams upon the line of march. Upon the receipt of such requisition made in accordance with such order, all Collectors so called upon shall proceed in the manner prescribed by Section III Regulation XI of 1806 of the Bengal Code ; and all Magistrates so called upon shall proceed in the manner prescribed in Section VI of the same Regulation ; and thereupon the provisions of Sections III, IV, VI, and VII of the same Regulation, and the provisions of Regulation VI of 1825 of the aforesaid Code, shall apply to all Revenue and Police Officers, Landholders, Farmers, Tehsildars, or others having the management of land, and to all other persons concerned, in the same manner as if this Act had not been passed. Provided that no carriage shall be impressed, and no provision of supplies shall be made under this Section, other than or in excess of the quantity and description of carriage and supplies now or hereafter to be authorized by the General Orders of Government, according to the number and description of the troops moving.

On receipt of requisition, Collectors and Magistrates how to act.

Carriage and supplies not to be impressed and provided other than or in excess of the quantity and description authorized by the General Orders of Government.

Collectors and Magistrates may act in like manner as provided in the preceding Section, in cases of public disturbance, when troops are suddenly ordered to take the field and there is no time for applying for an order of Government.

V. Whenever it is certified to any Collector or Magistrate as aforesaid, by a Commanding Officer as aforesaid, that a body or detachment of troops under such Officer's command has been ordered suddenly to take the field, or to proceed to some place in order to preserve the peace of the country ; and that it is impossible, even by the offer of double the common rates of

hire and prices, to obtain the carriage, or to arrange for the provision of the supplies, or to make the preparations for facilitating the movement required to meet the emergency; and that there is not time to apply for the order described in Section IV of this Act; such Collector or Magistrate shall proceed in the manner prescribed in the said Section, in order to the obtaining of carriage, or the provision of supplies, or the preparations for facilitating the march, or any or all of these objects, as the case may be: and thereupon the provisions aforesaid of the Regulations aforesaid shall apply in the same manner as is in Section IV of this Act provided.

Operation of certain provisions of Regulation XI. 1806 to cease, except in the cases provided for in the two preceding Sections.

VI. Except in the cases provided for by Sections IV and V of this Act, the provisions of Sections III, IV, VI, and VII of Regulation XI of 1806, and of Regulation VI of 1825 of the aforesaid Code, shall cease to have any force or effect.

Rates of hire to be paid for carriage impressed or supplies provided under this Act.

VII. When carriage is impressed, or supplies of provisions and other articles are provided in the manner authorized by Section IV or Section V of this Act, such carriage, provisions, and other articles shall be paid for by the Civil Officer concerned at double the common rates of hire and prices current at the time and place. And in the case of carriage, the carts, cattle, boats, boatmen, or bearers shall be paid for from the day on which they are impressed; and the pay shall be the same for days on which the carriage is stationary as for the days on which it is in motion. And where it is customary to charge back-hire, such back-hire also shall be charged at double the current rate of the time and place. Impressed land carriage shall never, unless when it is unavoidable, be retained beyond the first halting place without the jurisdiction of the Civil Officer under whose authority it is impressed. Whenever land-carriage so impressed is retained, otherwise than by agreement, beyond the District in which it was impressed, a treble instead of a double rate of hire shall be paid for the time during which it may be so retained.

Collector to settle amount of hire, &c. in cases of dispute, and to fix the greatest weight to be carried by each cart, &c.

VIII. In all cases of dispute, the Collector of the District shall settle the amount of hire and other sums due, according to the last preceding Section. And in regard to carriage of all descriptions, the Collector shall fix beforehand the greatest weight to be carried by each cart, boat, man, or beast employed; which shall in no case exceed the loads commonly so carried according to the means of conveyance. If this load is exceeded, notwithstanding the remonstrance of the party aggrieved, a day's extra rate of hire, according to the common rate of the time and place, shall be paid to the party so aggrieved, for every day on which the load was in excess, by the Civil Officer concerned.

Extra rate of hire in cases of excess-load

Collectors to depute proper Native Officers to accompany the troops through their Districts.

IX. When a Collector issues an order under Section IV or Section V of this Act, he shall be held strictly responsible for the selection of a proper person as the creditatable Native Officer whom he is required by Section III Regulation XI of 1806 to depute to accompany the troops through his jurisdiction. The Native Officer so deputed shall be paid in no case at a rate of less than one Rupee a day, commencing on the day of his first employment, and continuing to the time of his discharge, with such travelling allowance as may be authorized for Revenue Officers of his class. When more than one Regiment moves in a body, there shall be one such Officer deputed for each Regiment, or part of a Regiment so moving. It shall be a part of the duty of such Officer to make such payments as he may be authorized by the Collector to make; to take care that the loads fixed by the Collector are in no case exceeded; and to hear all complaints made by the men impressed for carriage, and to redress them, when well founded, if he can; or otherwise to report them to the Military Officer in charge of the baggage or to the Officer commanding the troops, and finally, if not then redressed, to the Collector.

Territorial scope of Act.

X. This Act shall extend to all the Districts of the Presidency of Fort William in Bengal; and to all other Provinces under the administration of the Lieutenant-Governor of Agra, or the Lieutenant-Governor of Bengal; and to all Provinces under the immediate administration of the Governor General of India in Council; and this Act shall commence to have effect on and from the day of 1857.

Commencement of Act.

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

Fort William, Home Department,
The 20th February 1857.

No. 383.

Notification.—The Furlough available by the expiry of that of Mr W. M. Beaufort, is assigned to Mr. W. Hunt, of the Civil Service, for one year, from the date of his embarkation for Europe.

No. 384.

The Right Hon'ble the Governor General is pleased to permit Mr. E. H. C. Monckton to resign the East India Company's Civil Service from the 24th March next.

No. 385.

The 24th February 1857.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. R. O. Heywood, of the Civil Service, who reported his return from Furlough on the 14th Instant.

The Furlough available by the return to India of Mr. R. O. Heywood is assigned to Mr. R. P. Jenkins, of the Civil Service, for three years, from the date of his embarkation for Europe.

CECIL BEADON,
Secy. to the Govt. of India.

No. 861.

Fort William, Foreign Department,
The 20th February 1857.

The preparatory leave of absence granted to Mr. John Inglis, Deputy Commissioner Sealkote, in G. O. G. G. dated 10th October last, No. 5166, is extended to the 1st Proximo.

No. 862.

The 24th February 1857.

The Governor General in Council is pleased to accept the resignation by Lieutenant J. Black of his appointment as Assistant Commissioner First Class in Oudh, and to place that Officer's services at the disposal of the Government of Bombay.

His Lordship in Council is also pleased to make the following appointments:—

Mr. C. W. Cunliffe, Assistant Commissioner Second Class, to be Assistant Commissioner First Class, *vice* Lieutenant Black.

Mr. S. J. Stroyan, Assistant Commissioner Third Class, to be Assistant Commissioner Second Class, *vice* Captain Steel, whose services have been placed at the disposal of the Commander-in-Chief.

No. 863.

The Governor General in Council is pleased to appoint Lieutenant L. C. Barton, Assistant Commissioner in the Punjab, on special duty in Kattywar, to be an Assistant to the Resident at Baroda, *vice* Captain M. J. Battye, resigned. Lieutenant Barton will continue to do duty in Kattywar until further orders.

Lieutenant T. Alban will continue to officiate as Assistant Resident at Baroda until relieved.

No. 864.

The Governor General in Council is pleased to appoint Major W. H. Rickards, Political Agent in Bhopal, to be a Marriage Registrar of that Circle, under the provisions of Act V. of 1852.

No. 865.

Lala Mithun Lal, Extra Assistant Commissioner at Leiah, has obtained leave of absence on Medical certificate, under Section V of the Uncovenanted Leave Rules, for nine months, from the 1st Instant.

Lieutenant G. F. J. Lowin, Assistant Commissioner of Googaira, has obtained leave of absence, on Medical certificate, under the Military Rules, for three months, from the 15th Instant, or from the date on which he may avail himself of it, preparatory to applying for Furlough to Europe.

Kalee Rae, Extra Assistant Commissioner in the Punjab, has obtained leave, on Medical certificate, under Section V. of the Uncovenanted Leave Rules, for two months, from the 17th Ultimo.

Lieutenant D. K. Presgrave, Assistant Commissioner of Goojranwalla, has obtained privilège leave of absence, under the Military Rules, for ten days, from the 1st Instant.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 24.

Fort William, Public Works Department,
PUBLIC,
The 24th February 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to notify that from the 1st May next, all Pay Bills for the regular fixed Establishments of the Department of Public Works, (other than those which are audited by the Civil Auditors under existing Rules which are not to be affected by this Notification) shall be submitted for previous audit to the Chief Engineers of the several branches of the Department, and that no disbursement shall, under any circumstances, take place on account of salaries of such Establishments otherwise than on authority of Bills thus previously audited, and then only on or after the date fixed for the payment of the salaries of the other Civil Departments.

W. E. BAKER, *Lieut.-Col.*,
Secy. to the Govt. of India.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 90 A. of 1857.

Revenue Department,
Head Quarters, the 17th February 1857.

Leave of Absence.—Mr. J. G. Ross, Deputy Collector under Regulation IX. of 1833, for one year, on Medical certificate, under Section V. of the Uncovenanted Rules, from the date on which he may avail himself of the leave, and the usual preparatory leave, to enable him to reach the Port of Embarkation.

No. 168 A. of 1857.

General Department.

Appointments.—Captain A. G. Davidson, to be a Member of the Local Committee of Public Instruction at Ajmere.

No. 174 A. of 1857.

Mr. James Guthrie, to officiate as Marriage Registrar in the District of Hissar, during the absence of Mr. J. S. Dumergue, or till further orders.

No. 307 A. of 1857.

Judicial Department.

Mr. John Shore Dumergue, Magistrate and Collector of Hissar, to officiate as Civil and Sessions Judge of Allygurh, during the absence of Mr. C. Gubbins on leave, or till further orders.

No. 310 A. of 1857.

Mr. James Guthrie, to officiate as Magistrate and Collector of Hissar, during the absence of Mr J. S. Dumergue, or till further orders.

No. 321 A. of 1857.

Leave of Absence.—Mr. Francis Otway Mayne, Magistrate and Collector of Banda, from the 13th to the 22nd August last, and from the 21st November to 3rd December last, under Clause 4, Section VI. of the Amended Rules.

The unexpired portion of the leave granted to Mr. F. O. Mayne, Magistrate and Collector of Banda, in Orders of the 1st September last, No. 1526 A., is cancelled.

No. 334 A. of 1857.

The 18th February 1857.

Mr. George Elliott Watson, Assistant Magistrate and Collector of Bijnour, for fifteen months, to proceed to Europe, on Medical certificate, under Section VI. of the New Rules, with the usual preparatory leave to enable him

to reach the Port of Embarkation from the 25th Instant, or such subsequent date as he may avail himself of it.

No. 343 A. of 1857

The 19th February 1857.

Mr. William Roberts, Civil and Sessions Judge of Goruckpoor, for fifteen months, to proceed to Europe, on Medical certificate, under Section VI. of the amended Absentee Rules, with the usual preparatory leave to reach the Port of Embarkation from the 1st March next, or such subsequent date as he may avail himself of it. This supersedes the leave granted in Orders dated 9th Ultimo.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 740 of 1857.

Judicial Department,
Agra, the 19th February 1857.

Notification.—The unexpired portion of the leave of absence, for three months, granted in Orders of the 23rd Ultimo, No. 162 A., to Mr. T. Atchison, Civil Surgeon of Goruckpoor, is cancelled from the 10th Instant, or the date of sailing of the Steamer *Bengal.*

Appointment.—Assistant Surgeon A Garden, M. D., to officiate as Civil Assistant Surgeon of Goruckpoor, from the 28th Proximo, during the absence, on leave, of Doctor T. Atchison, or till further orders.

No. 743 of 1857.

Notification.—The leave of absence, for two months, granted in Orders of 24th January 1857, under Section XII. of the new Rules, to Mr. D. Robertson, Judge of Bareilly, is cancelled at that Officer's own request.

No. 745 of 1857.

Leave of Absence.—Mr. Frederick Pole Buller, Civil and Sessions Judge of Furruckabad, for one month, under Section XII. of the Rules, from the 21st February 1857, or any subsequent date on which he may avail himself of the leave.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 23rd February 1857.

No. 297 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders:—

No. 822, *dated 20th February* 1857.—The Governor General in Council is pleased to make the following appointments—

United Malwa Contingent.

Lieutenant F. W. Brodie, Adjutant and Officiating Commandant of Cavalry, to be Commandant, *vice* Major L. T. Forrest, resigned.

Lieutenant C. J. Hunt, Officiating Adjutant of Cavalry, to be Adjutant, *vice* Lieutenant Brodie.

Bhopal Contingent.

Captain F. L. Magniac, Second in Command, to officiate as Commandant, during the absence, on leave, of Lieutenant-Colonel J. Travers, or until further orders.

Lieutenant A. C. Lilly, Adjutant, to officiate as Second in Command, *vice* Captain Magniac.

No. 825, *dated 20th February* 1857.—Captain A L. Busk, Deputy Commissioner of Thaneysur, has obtained leave of absence, on Medical certificate, under the new Military Furlough Rules, for two months, from the 10th Proximo, or from the date on which he may avail himself of it, preparatory to applying for further leave to Europe.

Lieutenant C. H. Hall, Assistant Commissioner in the Punjab, has obtained leave of absence, on Medical certificate, under the Military Rules, from the 15th Ultimo to the 15th November next, in extension of the leave granted to him in General Order dated 30th December last, No. 6269.

Captain F R. Pollock, Deputy Commissioner in the Punjaub, having reported his return from Furlough, obtained leave of absence for two months, under the Military Rules, to enable him to rejoin his appointment.

No. 826, *dated 20th February* 1857.—Assistant Surgeon R. P. Jeston, in Medical charge of the Meywar Political Agency and the Civil Station of Jawud Neemuch, has obtained leave of absence for one month, from the 1st Instant, to enable him to proceed to Calcutta, preparatory to applying for further leave to Europe.

No. 298 *of* 1857.—The following Notification, from the Home Department, is published in General Orders:—

No. 314 *A. dated 14th February* 1857.—The Services of Captain H. Hopkinson, 70th Regiment Native Infantry, Commissioner of Arracan, are placed at the disposal of the Foreign Department.

No. 299 *of* 1857.—The leave of absence, granted by the Chief Commissioner of Punjaub, to Lieutenant W. F. Leicester, Adjutant of the 3rd and Officiating Second in Command of the 1st Regiment Sikh Infantry, from the 7th January to the 7th April 1857, to visit Bombay, preparatory to applying for leave of absence on Sick certificate to Europe under the new Regulations, is confirmed.

No. 300 *of* 1857.—The Regimental Order issued to the 1st Regiment Sikh Infantry, dated 7th January 1857, directing Lieutenant and Adjutant G. J. Harcourt to officiate as Second in Command in addition to his present duties, on the departure on leave of Lieutenant W. F. Leicester or until further orders, is confirmed.

No. 301 *of* 1857.—The under-mentioned Gentleman is admitted to the service, in conformity with his appointment by the Hon'ble Court of Directors as an Assistant Surgeon on this establishment:—

	Date of Arrival at Fort William.
Medical Department.	
Mr. Hickman Rose Daniell,...	19th February 1857.

No. 302 *of* 1857.—The following Order, issued by the Resident at Hyderabad, is confirmed:—

No. 15, *dated 2nd February* 1857.—The Cantonment Order, by Captain Macintire, Commanding at Bolarum, dated 17th January 1857, directing Surgeon Bradley, 2nd Cavalry Hyderabad Contingent, to assume medical charge of the 3rd Infantry Hyderabad Contingent from the date of departure from Bolarum of Assistant Surgeon Day, 3rd Infantry Hyderabad Contingent, agreeably to Government General Order No. 161 of 30th Ultimo.

Fort William, 24th February 1857.

No. 303 of 1857.—The Right Honorable the Governor General of India in Council is pleased to make the following postings of an Unposted Cornet and Ensigns :—

Rank and Names.	To what Regiment posted.	Stations.
Cavalry.		
Cornet Arthur George Webster ...	8th L. C., as 1st Cornet ...	Meean Meer, (Lahore)
Infantry.		
Ensign Arthur Donald Butter ..	16th N. I., (Grenadiers,) as 1st Ensign ...	Mean Meer, (Lahore.)
Ensign Henry Algernon Shaw (not arrived)	54th N. I, as 2nd Ensign ...	Delhi.
Ensign Henry Lewin Marsh (not arrived)...	16th N. I., (Grenadiers,) as 2nd Ensign ...	Mean Meer, (Lahore.)
Ensign George Dukinfield Astley Younghusband ...	58th N. I., as 2nd Ensign ...	Rawul Pindee.
Ensign Alexander Shaw (not arrived) ...	24th N. I., as 2nd Ensign ...	Peshawur.
Ensign Reginald Sutherland Byrne... ...	19th N I, as 2nd Ensign	Berhampore.
Ensign Clement Pigou ...	3rd European Regiment, as 4th Ensign ..	Agra.
Ensign Lionel Smith ...	36th N I., as 3rd Ensign ...	Ordered to Jullundur.
Ensign Wynyard Huddleston Warner ...	40th N. I., as 3rd Ensign ..	Dinapore.
Ensign Henry Marsh Pratt ...	51st N I, as 3rd Ensign ...	Peshawur.
Ensign Edmund Swetenham ..	45th N I., as 3rd Ensign ...	Ferozepore.
Ensign Charles Henry Cantor ...	4th N. I., as 3rd Ensign ...	Noorpore.
Ensign Draycott de la Garde Birkett (not arrived) ...	34th N I., as 3rd Ensign ...	Barrackpore.
Ensign Alfred Goldney (not arrived) ...	50th N. I., as 3rd Ensign ...	Proceeding to Nagode.
Ensign James Jenkins Blair ...	54th N. I., as 3rd Ensign ...	Delhi.
Ensign George William Holdsworth ...	3rd European Regiment as 5th Ensign ...	Agra.
Ensign Robert Allen Stevens .	56th N. I., as 3rd Ensign ..	Proceeding to Cawnpore.
Ensign William James Forlong ...	55th N I., as 3rd Ensign ...	Nowshera.
Ensign Henry Sullivan Jarrett (not arrived)	69th N. I., as 3rd Ensign ...	Proceeding to Mooltan.
Ensign Leopold Exxel Evans ...	15th N. I., as 3rd Ensign ...	Meerut.
Ensign Leopold John Herbert Grey ...	16th N. I., (Grenadiers) as 3rd Ensign ...	Meean Meer (Lahore.)
Ensign Wardlaw Cortlandt Anderson ...	7th N. I., as 3rd Ensign ...	Dinapore.
Ensign Henry Hamer Stansfeld ...	18th N. I., as 3rd Ensign ...	Bareilly.
Ensign Patrick Carfrae Dalmahoy ...	60th N. I., as 3rd Ensign ...	Umballa.
Ensign Henry Goschen ...	58th N I., as 3rd Ensign ...	Rawul Pindee.
Ensign Robert Loveday Inglis ...	13th N. I., as 3rd Ensign ...	Lucknow.
Ensign Robert Cecil Clifford, (not arrived)	68th N. I., as 3rd Ensign ...	Bareilly,
Ensign John Williams Grant, (not arrived)	42nd L. I., as 3rd Ensign ...	Saugor.
Ensign Richard Newcomen Evans (not arrived) ...	53rd N I., as 3rd Ensign ...	Proceeding to Cawnpore
Ensign Charles James Garstin ...	39th N. I., as 3rd Ensign ...	Jhelum
Ensign Herbert Dunford ...	61st N I., as 3rd Ensign ...	Jullundur.
Ensign James Frederic Elton ...	3rd N. I., as 3rd Ensign ...	Phillour.
Ensign Connel O'Donel ...	67th N. I., as 3rd Ensign ...	Agra.
Ensign Henry Bristow Sanderson ...	22nd N. I., as 3rd Ensign ...	Fyzabad, (Oude.)
Ensign Alan Murray ...	1st European Bengal Fusiliers, as 5th 2nd Lieutenant ...	Umballa.
Ensign George Farquhar Irving Graham ...	63rd N. I, as 3rd Ensign ...	Ordered to Barrackpore.
Ensign John Tierney Davidson ...	26th N. I., as 3rd Ensign ..	Mean Meer (Lahore).
Ensign George Atkins ...	21st N. I., as 3rd Ensign ...	Peshawur.
Ensign Alfred Mansell Angelo ...	1st European Bengal Fusiliers as 6th 2nd Lieutenant ...	Umballa.
Ensign George Battye Fisher ..	32nd N. I., as 3rd Ensign ...	Bousee (Sontal District.)
Ensign Horace Christopher Fagan ...	62nd N. I., as 3rd Ensign ...	Mooltan.

No. 304 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Brevet Colonel James Manson, of the 53rd Regiment Native Infantry, ... } For two years, under the New Regulations.

No. 305 *of* 1857.—The under-mentioned Gentlemen are admitted to the service, in conformity with their appointment by the Hon'ble the Court of Directors as a Cadet of Infantry and Assistant Surgeons on this Establishment. The Cadet of Infantry is promoted to the rank of Ensign, from the date assigned to him in Government General Order, No. 1591 of the 23rd December 1856 :—

	Date of Arrival at Fort William.
Infantry.	
Mr. Francis Gellie	20th February 1857.
Medical Department.	
Mr. Robert Fryer	
„ William Joseph Shaw ...	
„ William Henry Kirton ...	

No. 306 *of* 1857.—The under-mentioned Officer of the Infantry is promoted to the rank of Captain by Brevet, from the date expressed opposite to his name :—

34th Regiment Native Infantry.

Lieutenant Alexander Stewart Allen, ... } 23rd Feb. 1857.

No. 307 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Fort William.
Lieutenant Charles Stephen Fowle, of the 22nd Regiment Native Infantry, ...	20th Feb. 1857.

No. 308 *of* 1857.—The following proportion of Carriage, in modification of that laid down in Government General Order No. 248 of the 22nd November 1828, is authorized for European Corps provided with the new pattern Arm Chests :—

1 Camel for every 2 Chests, or,
15 Camels for each Regiment having
30 New pattern Arm Chests.
2 Hackeries in the authorized proportion will be provided when Camels are not procurable, or when the number of empty Chests will admit of their being carried on Hackeries at less cost.

No. 309 *of* 1857.—The services of Assistant Surgeon Henry William Spry are placed at the disposal of the Hon'ble the Lieutenant Governor of the North Western Provinces.

No. 310 *of* 1857.—Lieutenant George Allgood, of the 49th Regiment Native Infantry, Deputy Assistant Quarter Master General of the Army, of the 1st Class, is allowed leave of absence from the 10th March to the 15th May next, to visit Bombay, with permission to proceed thence to Europe on furlough on urgent private affairs for six months under the New Regulations.

No. 311 *of* 1857.—The under-mentioned men are admitted to pension, as specified opposite to their respective names, under the provisions of minutes of Council of the 11th January 1797 and General Order of the 5th February 1820, subject to the confirmation of the Honorable the Court of Directors :—

Serjeant Robert Morrow, of the 1st Artillery Company of the European Invalid Battalion } Thirty Rupees per month, payable in India.

Gunner Michael Dwyer, of the 1st Artillery Company of the European Invalid Battalion ... } Rupees 14-14-6 per month, payable in India.

No. 312 *of* 1857.—Colonel John Theophilus Boileau, of the Corps of Engineers, Chief Engineer Department of Public Works North Western Provinces, is permitted to retire from the service of the East India Company on the pension of his rank from the date of departure of the ship *Marlborough*.

This cancels the furlough to Europe on private affairs granted to Colonel Boileau in Government General Order, No. 282 of the 19th Instant.

No. 313 *of* 1857.—The under-mentioned Officers have returned to their duty on this Establishment without prejudice to their rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Bombay.
Captain John Doran, of the 24th Regiment N I., ...	6th February 1857.
Lieutenant Launcelot Machell, of the Regiment of Artillery, Deputy Commissary of Ordnance, ...	

No. 314 *of* 1857.—The Right Hon'ble the Governor General of India in Council directs, that the following Military Letter, from the Hon'ble the Court of Directors to the Government of India, No. 9, dated 2nd January 1857, with enclosure, be published in General Orders :—

Military Department.

No. 9 *of* 1857.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

We transmit herewith copy of a Letter from the Board of Commissioners for the Affairs of India, dated 15th November 1856, with its enclosure from the War Department, under which a Quarter Master Sergeant, with the pay of 3*s.* a day, has been added to each Regiment of Cavalry in the Royal Service.

We are, &c.,
(Signed) W. H. SYKES,
And nine others.

LONDON,
2nd January 1857.

INDIA BOARD,
15th November 1856.

SIR,

I am directed by the Commissioners for the Affairs of India to transmit to you the accompanying copy of a Letter from the War Department, dated the 12th Instant, regarding the addition of a Quarter Master Sergeant to each Regiment of Her Majesty's Cavalry, and to request that you will move the Court of Directors to communicate the intention of the Secretary of State for the Department of War to their respective Governments in India.

I am, &c.,
(Signed) W. LEACH.

SIR JAMES C. MELVILLE, K. C. B.

WAR DEPARTMENT,
12th November 1856.

SIR,

I am directed by Lord Panmure to request that you will state to the Commissioners for the Affairs of India, that in consequence of the increased labor and responsibility which have devolved on the Quarter Masters of Cavalry Regiments by reason of certain alterations which have taken place in the mode of applying the clothing and saddlery, Her Majesty has been pleased to approve of a Quarter Master Serjeant being added to each Regiment of Cavalry with the pay of 3*s.* a day in order to assist the Quarter Master in the performance of his various duties, and to place the Cavalry on the same footing in that respect as Regiments of Infantry, and I am to request that you will move the Commissioners for the Affairs of India to sanction a similar addition being made to the four Cavalry Regiments now serving within the Territories of the Hon'ble East India Company, *viz.* the 9th and 12th Lancers, 14th Light Dragoons, and 6th Dragoon Guards.

I am, &c.,
(Signed) G. C. MUNDY.

THE SECRETARY INDIA BOARD.

R J. H. BIRCH, *Colonel*,
Secy. to the Govt. of India,
in the Mily. Dept.

Notice.

THE General Treasury will be closed on Tuesday, the 10th, Wednesday, the 11th, and Thursday, the 12th Proximo, on account of the Hindoo Holidays, Dole Jattra.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 21st February 1857.

MEMORANDUM.

THE New Sortie Plassey Gate Entrance of the Fort will be closed from Wednesday next the 25th Instant, to admit of repairs being made to the inner Boscal Bridge.

During the period the above Sortie is closed, Carriages will be permitted to enter the Fort by the Chowringhee Sortie.

ORFEUR CAVENAGH, *Lt.-Col.*,
Town Major.

TOWN MAJOR'S OFFICE,
Fort William,
The 23rd February 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, half a Second (½*s.*) after Mean Noon.

FORT WILLIAM,
The 19th February 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River from the Semaphore Tower in the Fort, One-and-quarter Seconds (1¼*s.*) before Mean Noon.

FORT WILLIAM,
The 20th February 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Half a Second (½*s.*) after Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.*,
Town Major

FORT WILLIAM,
The 21st February 1857.

SEALED TENDERS will be received by the Civil Architect, in his Office, in Calcutta, No 42, Park Street, up to 4 P. M, on Monday 2nd March 1857, for the purchase and removal of the Materials composing the Residence of the Governor of the Great Jail at Calcutta.

Time for Execution—6 Weeks.

The Sketch of the Building can be seen, and further information obtained on personal application at the Civil Architect's Office.

A deposit in Cash of 500 Rupees is required with each Tender, returnable on rejection of Tender or after completion of Contract, or in the event of non-fulfilment within the stated time to be at the disposal of the Civil Architect to cover expences in completing the removal of Materials and Rubbish.

C. B. YOUNG, *Captain*,
Civil Architect.

SEALED TENDERS will be received by the Civil Architect, in his Office, in Calcutta, No. 42, Park Street, up to 4 P. M., on Wednesday, 25th February 1857, for the purchase and removal of the materials composing the Old Guard-House and part of the Cook Rooms attached to the General Treasury at Calcutta.

Time for Execution (3) three weeks.

The Sketch of the Building can be seen, and further information obtained, on personal application, at the Civil Architect's Office.

A deposit in Cash of (200) Two Hundred Rupees is required with each Tender, returnable on rejection of Tender, or after completion of the Contract, or in the event of non-fulfilment within the stated time, to be at the disposal of the Civil Architect to cover expenses in completing the removal of the materials and rubbish.

C. B. YOUNG, *Captain*,
Civil Architect.

Notice.

CERTAIN EFFECTS, belonging to the Estate of the late Mr. Matthew Herring, are under the Seal of this Court, and will, after deducting the necessary expenses, be delivered up to any person duly authorized to receive the same.

M. SHAWE,
Offg. Judge.

Notice.

REQUIRED in the Office of the Commissioners of Chota Nagpore, a European Jailor, capable of conducting the duties of the *Penitentiary* or Agency Jail at Hazaribagh. Salary 100 Rs. per mensem. Unexceptionable Security to the extent of Rs. 1,500 necessary; a Commission on Sales of Manufactures is also at present allowed to the incumbent.

T. SIMPSON,

Pl. Asst. Comr. of Hazaribagh.

PL. ASST. COMMR.'S OFFICE;
Hazaribagh Division,
The 9th February 1857.

Ecclesiastical.

CONFIRMATION.

THE Confirmation, notice of which was given, to be held at the Cathedral, on Wednesday, the 17th December last, but postponed in consequence of the illness of the Bishop, will now take place, with the Divine permission, at Saint Paul's Cathedral, on Tuesday, the 10th day of March next.

Divine Service to commence at 10 o'clock.

The Confirmation for Natives, fixed for the 19th of December last, but also postponed for the reason assigned, will now take place at the Cathedral, on Friday, the 13th day of March next.

The Service to commence at 10 o'clock.

WM. HY. ABBOTT,

Registrar and Secretary.

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on, and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.*:

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs, one cowrie, and one krantee share of the sum of Company's Rupees nine thousand and seventy-two, being the entire sudder jummah or Government Revenue chargeable on the said Estate; that is, Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Bamongachee, Juggutdispore, Dhantookollah, Jonadhunpore, Ramnauthpore, Hurrydebpore, Bhadagovindpore, Joynogare, Earnogore, Malloopore, Buddinauthpore, and Khonpookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Pooalee, Chuckhinda, and Noonbad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *viz.* Nij Kamdauree, Booraul, Rajarampore, Kasherepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgunge, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calcutta, three Mouzahs or Kismuts, *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No. 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the Indigo Factory is built, and also for the Nejabad lands thereto belonging; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3.—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,

H. SWINHOE, *Attorney.* *Master.*

CALCUTTA SUPREME COURT;
Master's Office.
The 13th February 1857.

TO BE peremptorily sold, pursuant to a decree of the Supreme Court of Judicature at Fort William in Bengal, bearing date the 8th day of February, one thousand eight hundred and fifty-five, made in a certain Cause, wherein Aushootosh Day and the said Aushootosh Day and Sreemutty Nemoymonee Dossee and Sreemutty Satoomoney Dossee, Executor and Executrixes of the last Will and Testament of Promothonauth Day, deceased, are Complainants, and Bamondoss Mookerjee, Dwarkanauth Mullick, Rakhaldoss Mullick, and Woomeschunder Paul Chowdry are Defendants, with the approbation of the Master of the said Court, at his Office in the Court House, on the fourteenth day of March next, at 12 o'Clock in the noon, the following property, that is to say:—

Lot No. 1.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, including the lane or the piece of land on the South side thereof, between this lot and the lot No. 2, hereinafter mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, Lot No. 2, aforesaid; and on the North by the house and premises of Mr. Arratoon Caloos.

Lot No. 2.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a godown to the East thereof, and the piece or parcel of land whereon the same is erected and built, including the lane or piece of land between the dwelling-house and the godown, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of the said Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, lot No. 3, hereinafter mentioned; and on the North by the house and premises and lane, lot No. 1, hereinbefore mentioned. The purchaser of this lot, No. 2, will have a right of way over the lane or piece of land to the South of this lot and separating it from the dwelling-house comprised in lot No. 3, aforesaid.

Lot No. 3.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a godown to the East thereof, and the piece or parcel of land whereon the same is erected, including the lane or piece of land between the messuage and the said godown, and also including the lane or the piece of land between this lot and lot No. 2, hereinbefore mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises of Rammohun Mullick; and on the North by the house and premises, lot No. 2, aforesaid. This lot, No. 3, will be subject to a right of way for the purchasers of lots No. 2 and No. 4 over the lane or piece of land to the North of the dwelling-house comprised in this lot and separating the same from lot No. 2.

Lot No. 4.—All that piece or parcel of land situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. M. S. Owen; on the West partly by the lot No. 3, hereinbefore mentioned, and partly by the land and premises of Rammohun Mullick; on the South by the land and premises of Mr. P. J. Sarkies; and on the North partly by the lot No. 3, aforesaid. The purchaser of this lot if not the owner of the property on the East, South, or West side thereof, will have a right of way over the lane or piece of land belonging to lot No. 3, and running to the North and East of the dwelling-house comprised therein.

An outline Plan of the above lots may be inspected by intending purchasers at the Master's Office.

Lot No. 5.—All that messuage, tenement, or dwelling-house and the piece or parcel of land thereunto belonging, containing two cottahs and two chittacks, be the same a little more or less, situate, lying, and being in Hautkholah, in Calcutta, aforesaid, and butted and bounded in manner following, (that is to say), on the East by the house and premises of Berassore Nundy; on the West by the temple of Sree Sree Sedassory Thacoorany, belonging to Rajah Sibkisto Bahadoor; on the South by a lane leading to the Nauth's Bagaun; and on the North by the house and premises of Ramchunder Day.

Lot No. 6.—All that zemindary or talook called Chuklah Dhooliahpore and Dhee Kistopore, situate, lying, and being in the zillah of Nuddea, in the province of Bengal, the annual Government Revenue or sudder jumma whereof is Company's Rupees six thousand seven hundred and sixty-one, fifteen annas and one pie.

Lot No. 7.—All that zemindary or talook called Turruff Moonsufpore, situate, lying, and being in the zillah of Nuddea aforesaid, the annual Revenue or sudder jumma whereof payable to Government is Company's Rupees six thousand two hundred and sixty-four.

Lot No. 8.—All that zemindary or talook called Dhee Rajahpore, situate in the said zillah of Nuddea, the annual Government Revenue or sudder jumma whereof is Company's Rupees three thousand seven hundred and thirty-three, four annas and three pie.

Further particulars and conditions of sale may be had at the Master's Office, Supreme Court, or of Mr. Swinhoe, Attorney for the Complainants.

W. MACPHERSON,

Master.

P. J. PAUL, *Attorney.*

CALCUTTA SUPREME COURT; *Master's Office, The 17th day of February* 1857.

TO BE peremptorily sold, pursuant to a decree of the Supreme Court of Judicature, at Fort William in Bengal, bearing date the twenty-fifth day of July, One thousand Eight hundred and fifty-five, made in a Cause wherein Prosono Coomar Tagore is Complainant, and Aushootosh Day, Sreemutty Nonoymoney Dossee, Sreemutty Sattomoney Dossee, and John Cochrane, are Defendants, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Friday, the sixth day of March next, at the hour of twelve o'Clock, the following parcels of property:—

A moiety of the following Mouzahs or Villages, namely:—

In Chuckla Sreenuggore in Zillah Nuddea a moiety of the Villages called Jogonauthpore Amdangah Gouresally Aditopore Sehalaparra Gholah Sorsadangah Chinapookeerah Nalabaiah Patteela (or Hoodapateela) Debgram Kharabaree Moorogacha Sreedhurpore Ghoja (Horakatty Dhakoorea Andoleepotha) Chundpore Nokaree (or Lakaree) Barebareah Bizrah Mirzapore Gatra Jangooleeah Ramkistopore Narainpore Mundlehaut Kuddumbgatcha Hujrapotha Paupore Neizrah (or Neizdoor) Nondoshchinda Burda Khaum Julkar New Beel Esur Parnamee Mohul Adorea Mehal Manjdeah Kismut Jeelollah Mantcoomrah Tank Sumbhoo Kur's Garden, small house and Nalculdangah Degur.

In Purgunnah Paungnoor in Nuddea aforesaid a moiety of the Villages called Neizseepore Parbuttypore Goorparah Noamuntpore Gillapole Kismut Naamunt Rahanbooroo Nandighat Jugpore Sumbhoogunge Mosoonda Maleeparah (or Analeepotah) Baliadanga Bediamundpore Rubna Goulnuddea Manjidea Bycauntpore Dorruppore Khamar Rajapore Narainpore Chundooriah Birmoporeah Haut Birmoporrah Kootubpore (or Kontakpore) Simrally Rooppore Nurroputtoparrah Ramesurpore Oochitpore Hurrispore Kastodangah Soobudpore Goopeenauthpore Nara Gazeepore Muddendeah Dhara Duttoparrah Kooroombahah Hazarabaha Bellhally Ruggonathpore.

In Dhee Saumtah, in Nuddeah aforesaid, a moiety of the Villages called Neiz Rooderpore Dhee Moolghur Choopunghur Dhooleé Kabaduah (or Kanoaduho) Chundunpore Tarkee (or Daurkee) Gowarrah (or Dukhin Gowaira) Sickree Paupore Satai Rastarah Degur Jeerungatcha (or Jealgatcha) Essanuggur Etha Jogeer Hoodah Badanabhorim Mohisparrah Sonatun Kattee Bundoleah (or Bamunea) Bosutpore Paneesarah Naburim Modhulee Moheesa Kismis Dhonemasha Notebmundle's Mehal Assanund Annoye's Mehal Punchoo Gazee's Mehal Sircary Catchury House Handeepore Bazar Haddy Sirdar's Mehal Kannoye Gazee's Mehal Ramchand Perdhan's Mehal Roopchund Perdan's Mehal Dukty Nye's Mehal Sonatun Mitter's Mehal Essur Parray's Mehal Sooby Dookie's Mehal Sanbake Lokeshan Mehal Chundunpore Kartick Roy's Mehal Kerparain Perdan's Mehal and Luckhinarain Roy.

A moiety of all that Talook called Turruft Santipore, in Zillah Nuddea, all that upper-roomed Dwelling-house, with the parcel of land thereto belonging, containing by estimation nine Cottahs more or less, situate at Saumbazar in Calcutta, and bounded on the East by Cornwallis Street; on the West by a house and premises belonging to Suckmoy Dossee and Samasoondery Dossee; on the North by a house and premises belonging to Neelmaudhub Bose; and on the South by a Golah Battee belonging to the late Kistoram Bose.

All that dwelling-house, together with the parcel of land thereto belonging, situate at Sootanooty, Saumbazar, in the Town of Calcutta, containing by estimation nine beegahs and seven cottahs, more or less, and bounded on the East, by a Company's Public road; on the West, partly by the property of Raja Radakant Deb, and partly by the property of Ramhurry Ghose and Buddinauth Bose; on the North, by a parcel of land belonging to Cossinauth Ghose; and on the South, by the Company's Road, called Bulloram Ghose's Street.

All that Garden, situate at Chitpore, Dhee Duckhin Pykeparrah, containing six beegahs and ten cottahs of ground more or less.

All that Rum Distillery at Chitpore, aforesaid, called the Chitpore Rum Distillery, with the land thereto belonging.

Further particulars and conditions of sale may be had at the Master's Office, or of the Attorney for the Complainant.

W. MACPHERSON,

Master.

P. J. PAUL,

Attorney for the Complainant.

CALCUTTA SUPREME COURT; *Master's Office, The 20th February* 1857.

Court for the relief of Insolvent Debtors at Calcutta.

In the matter of Frederick Empson, of Copallytollah Lane, in Calcutta, a Section Writer in the Home Department, an Insolvent.

On Friday, the 19th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Beeby, *Attorney.*

In the matter of Edward Andrew Martin, of Copallytollah Street, in Calcutta, a Section Writer in the Home Department, an Insolvent.

On Tuesday, the 17th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of Taruck-nauth Ghose, formerly of Conenuggur, in the District of Hooghly, in the Province of Bengal, but at present of Rajah Rajbullub's Street, in Calcutta, lately carrying on trade and business in co-partnership with Greeschunder Ghose, at Conenuggur, under the name, style and firm of Tarruck-nauth Ghose and Co., an Insolvent.

On Tuesday, the 17th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Paul and Carruthers, *Attorneys.*

In the matter of Albertina Charlotte Ross, an Insolvent.

On Saturday, the 7th day of February Instant, it was ordered that Saturday, the 7th day of March next, be appointed for the further hearing of this matter, and unless cause be shown to the contrary on that day, the said Insolvent should be discharged personally as well as to her after-acquired property from the demands of all the Creditors following, whose names are inserted in the *Order Nisi*, that is to say, A. M. Varden, Esquire, Romanauth Bose, Surroopchunder Seal, and Nundololl Sein, Gunganarain Gangooly, Messrs Cook and Co., Messrs. Hunter and Co., F. W. Browne and Co., Mrs. — Davis, Tarracchund Ghose, Daby Milkman, Urjoon Ghose, Goberdhone Eggman, Jamaul Butcher, Ameer Khansamah, and Jodoo Mosalchee, Bhoobunmohun Boxwallah, Gopoo Tailor, Isserchunder Ghose Narain Boxwallah, Unnuntoram, Seal and Co., Ramanauth, Seal and Co., Hingun Clothman, Nemychurn Doss, Punchanund Ghose, Amer Khansamah, Emamee Khidmutgar, Toonoo Khidmutgar, Uchunbee Bearer, Jadoo Mosalchee, Kurreem Mosalchee, Toonoo Baboorchee, Kerpa Sirdar Bearer, Unta Mate Bearer, Kartic Punka Bearer, Dursun Mate Bearer, Toonoo Mather, Luckputtee Mather, Nobin Jemadar, Daby Sing Durwan, Luckee Ayah, Noorun Ayah, Hingun Dhobee, Bhugoban Dhobee, Collychurn Dhobee, Hurry Sirdar Bearer, Jhuppoo Bhistee, Foyjoo Bhistee, Jungoo Bhistee, Joynddeen Tailor, Jagoo Cooly, Meer Etbarry Kallighur, Koomerudden Khidmutgar, Luckia Metranee, Asroybeer Mather, Boorah Ayah, Choorun Coachman, Bhodoo Syce, Luckynarain Doss Boxwallah, Mr. G. Secondé Hairdresser, the Proprietor of the *Exchange Gazette* Press, and the Proprietor of the *Englishman* Press.

Marshall, *Attorney.*

Chief Clerk's Office, 19th February 1857.

In the matter of Charles Melbourne West, of No. 16, South Collingah Street, in Calcutta, a Volunteer Pilot in the Bengal Pilot Service, an Insolvent.

On Friday, the 20th day of February Instant, it was ordered that the hearing in this matter should stand adjourned until Saturday, the 7th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Beeby, *Attorney.*

In the matter of Edwin Severs Raban, of Mirzapore Lane, in Calcutta, a Section Writer in the Home Department, an Insolvent.

Notice that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 3rd day of March next, at the hour of 10 o'Clock in the forenoon.

☞ "*Any Creditor of the said Insolvent "desirous of opposing such application, must "appear before the said Court at the time and "place aforesaid.*"

Insolvent in person.

Chief Clerk's Office, 24th February 1857.

INSOLVENT COURT.

ASSIGNEE'S OFFICE NOTICE.

Pursuant to Act No. XXVII. of 1841.

NOTICE is hereby given, that in the event of no claim being established to the unclaimed Dividends hereunder mentioned within twelve months from this date, such Dividends will be distributed among such of the Creditors of the under-mentioned Insolvent Estates as shall have established their claims against such Estate respectively :—

ESTATE OF KONNOOLAUL AND OTHERS.

Names and descriptions as contained in the Schedule of the parties in respect of whose claims such Dividends are reserved.	Amount of Claims as per Schedule, Sa. Rs.	Amount of 2nd Dividend at 1 Re. 13 As. per 100.	Whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued.
Scheerabsook ...	7758 10 3	140 10 0	Proved.
Ramseebuck and Juddoo Mindun Missers	2917 3 9	52 14 0	Not proved.
Ragoo Baboo Bhatteah ...	6478 13 3	117 6 11	Ditto.
Golaun Mahomed and Hadjio Sonawoollah	979 15 0	17 2 2	Proved.
Neamuttallah ...	501 10 9	9 1 6	Ditto.
Augur Chund Kotaree ...	14576 11 0	264 3 3	Ditto.
Needeelall ...	676 13 0	12 4 4	Not proved.
Brijomohun Poddar's Estate, ...	204 5 0	3 11 3	Ditto.
Budden Chaund Paul and Tilluck Chund Mozemdar	1013 10 0	18 5 11	Proved.
Nunia Raur and Chooah Raur ...	169 12 0	3 1 5	Not proved.
Bhojokistno Mullick ...	934 3 3	16 14 10	Proved.
Shah Beharylall and Rogooburdial ..	7800 12 0	141 6 1	Ditto.
Agur Chund Kotaree ...	2100 0 0	38 1 0	Ditto.
Shaik Neela Nubhay ...	2500 0 0	45 5 0	Not proved.
Poonayroo Ahya Somey Moodayloo Yaroo ...	100 0 0	1 13 0	Ditto.
Possaul Tammanah ...	600 0 0	10 14 0	Ditto.
Chilmul Saitee Veeranah ...	800 0 0	14 8 0	Ditto.
Shaik Durvaish ...	33 9 6	0 9 9	Ditto.
Goopee Dutt ...	162 13 6	2 15 2	Proved.
Ramjee Doss ..	516 0 0	9 5 8	Ditto.
Gopaul Doss ...	40 0 0	0 11 7	Not proved.
Hungsorauj ...	100 0 0	1 13 0	Ditto.
Siboo Ghose ...	50 0 0	0 14 6	Ditto.
Beebee Motee Khanum Exix. of Mr. Gillanders	340 8 0	6 2 9	Proved.
George Hudson ...	10 0 0	0 2 11	Ditto.
Prittum Mutterwallah ...	250 0 0	4 8 6	Not proved.
Chillmul Saitee Ramas Samee ...	2000 0 0	36 4 0	Ditto.
Ramokund Doss and Bullub Doss ...	150 0 0	2 11 6	Ditto.
Munnaram Soome Saitee ...	81 9 0	1 7 8	Ditto.
Goluck Abcondoo ...	15 3 0	0 4 5	Ditto.
Bampoo Shaha, Birjalall Shaha ...	100 0 0	1 13 0	Ditto.
Kinnooree Soranunah ...	64 9 0	1 2 8	Ditto.
Bunkutty Doss and Ameerchaund ...	11 5 6	0 3 3	Ditto.
Munnee Coondoo Jugnehay Cooloo ...	200 0 0	3 10 0	Ditto.
Raid Rout Kistno Samee ...	149 10 3	2 11 5	Ditto.
Aun Jugger Natham ...	35 1 9	0 10 2	Ditto.
Baiddah Bhaddia Chullum ...	13 7 9	0 3 11	Ditto.
Gworoorah Ramah Aukot Roy Cooloo ...	100 0 0	1 13 0	Ditto.
Gurroorah Ram Beermur ...	225 0 0	4 1 3	Ditto.
Gurroorah Triputty Mursayah, ...	300 0 0	5 7 0	Ditto.
Gurroorah Triputty Jugnay Cooloo ...	90 0 0	1 10 1	Ditto.
Gurroorah Jugnayhay Cooloo ...	500 0 0	9 1 0	Ditto.
Guaddur Saba ...	300 0 0	5 7 0	Ditto.
Daby Dyal Misser ...	43 3 9	0 12 7	Ditto.
Nundololl Syloll ...	198 8 6	3 9 8	Ditto.

Names and descriptions as contained in the Schedule of the parties in respect of whose claims such Dividends are reserved.	Amount of Claims as per Schedule, Sa. Rs.	Amount of 2nd Dividend at 1 Re 13 As. per 100.	Whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued.
Hurkissen Dass and Hurgobind Dass ...	308 12 0	5 9 6	Not proved.
John Atkinson, Agent for Salt Contract, ...	200 0 0	3 10 0	Ditto.
Kotah Coondoo Jugtosh, ...	250 0 0	4 8 6	Ditto.
Abeer Chund Soorujmull, ...	2000 0 0	38 1 0	Proved.

ESTATE OF FREDERICK REGENT ELLIS.

	Claim Sa. Rs.	2nd Dividend at 13 per Cent.	
Amirtha ...	12 0 0	1 8 11	Not proved.
Breromottee ...	1 8 0	0 3 2	Ditto.
Biddee ...	2 8 0	0 5 2	Ditto.
Bowaney ...	84 0 0	10 14 9	Ditto.
Burkinyoung and Company .	10 8 0	1 5 10	Proved.
Dhunneeram ...	12 6 0	1 9 9	Not proved.
Govind Chunder Ghose ...	25 8 9	3 5 1	Ditto.
Gokool ...	3 0 0	0 6 3	Ditto.
Golaub ..	12 0 0	1 8 11	Ditto.
Greenway and Company ...	24 0 0	3 1 11	Proved.
Gunter and Hooper ...	16 0 0	2 1 4	Ditto.
Gibson and Company ...	162 0 0	21 0 11	Ditto.
Mr. Jacques ..	150 5 8	20 3 5	Not proved.
D. Johnstone ...	18 0 0	2 5 5	Ditto.
Jeeun Loll ...	31 10 0	4 1 9	Ditto.
Mr. Jones	16 0 0	2 1 4	Ditto.
Kooseal ...	15 0 0	1 15 2	Ditto.
Kulloo ...	15 0 0	1 15 2	Ditto.
Mr. Lamb ...	44 11 0	5 12 11	Ditto.
Laloo ...	100 12 0	13 1 7	Ditto.
Ludho ...	10 •8 0	1 5 10	Ditto.
Ludhea ...	12 0 0	1 8 11	Ditto.
Mackeller and Company ...	452 8 0	58 13 2	Proved.
Matterdeen ...	7 0 0	0 14 7	Not proved.
Munroo and Company ...	94 0 0	12 3 6	Proved.
Mr. Mollnish ...	18 0 0	2 5 5	Not proved.
Nuckebude ...	13 4 0	1 11 8	Ditto.
Nuckehade ...	12 0 0	1 8 11	Ditto.
Ooloss ...	7 0 0	0 14 7	Ditto
T. Ostell ...	12 0 0	1 8 11	Proved.
Ramdial ...	3 0 0	0 6 3	Not proved.
Ramdeen ...	6 0 0	0 12 6	Ditto.
Radamohun Pyne ...	18 0 0	2 5 5	Ditto.
Sillac Ram ...	43 0 0	5 9 5	Ditto.
Silla Bux ...	12 4 0	1 9 5	Ditto.
Seengolam ...	6 5 0	0 13 2	Ditto.
Sookha ...	22 0 0	2 13 9	Ditto.
Samuel Smith and Company ...	18 0 0	2 5 5	Proved.
Torab ...	4 4 0	0 8 10	Not proved.

ESTATE OF JAMES CULLEN.

	Claim, Sa. Rs.	3rd Dividend at 8¾ per Cent.	
R. W. G. Frith, Atty. of G. Scott, Executor	9207 8 0	805 10 6	Not proved.

ESTATE OF M. CHARDON.

	Claim Co.'s Rs.	1st Dividend at 7 per Cent.	
Beersaloll Shaw ...	5054 8 2	353 13 1	Not Proved
Cosseenauth Day ...	72 12 0	5 1 6	Ditto.
Gowry Doss ...	2293 15 7	160 9 3	Ditto.
Hollodhur Dutt ...	23 4 0	1 10 1	Ditto.
Jeehary Loll ...	4473 5 4	313 2 2	Ditto.
N. E. Kuhu ...	19 0 0	1 5 3	Ditto.
J. Lowe ...	155 0 0	10 13 7	Ditto.
Moteeloll Seal ...	414 0 0	28 15 8	Ditto.
William Moran ...	185 0 0	12 15 2	Ditto.
Mackenzie, Lyall and Co. ...	15 0 0	1 0 10	Ditto.
H. C. Kemp ...	480 0 0	33 9 7	Ditto.
T. Lackersteen ...	16 5 0	1 2 3	Ditto.

ESTATE OF CHARLES TROWER.

	Claim Co.'s Rs.	1st Dividend at 2 per Cent.	
Beeroo Saha, of Calcutta, Shop-keeper ...	200 0 0	4 0 0	Not Proved.
Bissonath Doss, of Balloor, writer ...	110 0 0	2 3 2	Ditto.
Bussoroodie Chowdry, of Calcutta, Moonshee	300 0 0	6 0 0	Ditto.
Cossissur Mustofee, of Burdwan, Zemindar ...	2000 0 0	40 0 0	Ditto.
Cook and Co., of Calcutta, Stable-keepers ...	200 0 0	4 0 0	Ditto.
Cosseenath Bonnerjee, of Penhatty, Banian	1066 10 8	21 5 4	Proved.
Dabee Das Balmokind, of Calcutta, Banker	2000 0 0	40 0 0	Ditto.
Doorgachurn Dutt, of Calcutta, Banian ...	300 0 0	6 0 0	Not proved.
Doorgadas Bhattacharee, of Cally Ghât ...	200 0 0	4 0 0	Ditto.
Fakerchund Chuckerbutty, of Calcutta, Banian ..	500 0 0	10 0 0	Ditto.
Guddadhur Mitter, of Sealdah, Banian ...	200 0 0	4 0 0	Ditto.
Gorachund Mitter, of Penhatty, Banian ...	1000 0 0	20 0 0	Ditto.
Horaloll Soor, of Calcutta, Writer ...	150 0 0	3 0 0	Ditto.
Herraloll Bysack, of Calcutta, Writer ...	1000 0 0	20 0 0	Ditto.
Hollodhur Doss, of Calcutta, Merchant ...	1763 8 9	35 4 4	Proved.
Hurrish Chunder Ghosal, of Calcutta, Writer	1500 0 0	30 0 0	Not proved.
Jhoroo Sircar, of Calcutta, Shop-keeper ...	150 0 0	3 0 0	Ditto.
Juggoo Bysack, of Calcutta, Writer ...	200 0 0	4 0 0	Ditto.
Issur Chunder Takoor, of Calcutta, Writer ...	100 0 0	2 0 0	Ditto.
Moneeram Sircar, of Calcutta ...	239 0 0	4 12 5	Ditto.
MacIntyre and Co., of Calcutta, Merchants...	674 6 8	13 7 10	Ditto.
Modoo Soodun Mitter, of Calcutta, Banian	750 0 0	15 0 0	Ditto.
Nocoor Chund Sett, of Calcutta, Sircar ...	200 0 0	4 0 0	Ditto.
Rajnarain Roy, Rajah of Andool ...	3000 0 0	60 0 0	Proved.
Rammashur, Ghose, of Calcutta, Shop-keeper	57 0 0	1 2 3	Not proved.
Romanauth Gurgo, Rajah of Tumlook ...	1600 0 0	32 0 0	Ditto.
Ram Gopaul Sein, of Calcutta, Banian ...	200 0 0	4 0 0	Ditto.
Ramchunder Ghose, of Calcutta, Writer ...	100 0 0	2 0 0	Ditto.
Soroop Chunder Dutt, of Calcutta, Shop-keeper ...	700 0 0	14 0 0	Ditto.
Syed Abdool Mujeed, of Hooghly ...	1400 0 0	28 0 0	Ditto.
Sumbhoo Chunder Sircar, of Sibpore, Sircar	618 10 8	12 5 11	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Sircar	200 0 0	4 0 0	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Writer	200 0 0	4 0 0	Ditto.
Soorjee Coomar Sett, of Calcutta, Sircar .	150 0 0	3 0 0	Ditto.
Takoor Doss Mistry, in 24-Pergunnahs ...	350 0 0	7 0 0	Ditto.
Modoosoodun Ghose, in 24-Pergunnahs ...	200 0 0	4 0 0	Ditto.

Estate of J. L. M. Beaumont.

	Claim Co.'s Rs.	1st Dividend at 12 per Cent.	
Abdool Curreem, of Cawnpore ...	47 0 0	5 10 2	Not proved.
Agra Press, of Agra ...	200 0 0	24 0 0	Ditto.
Basaisa, of Cawnpore ..	40 0 0	4 12 10	Ditto.
Bindabun Mullick, of Allahabad ...	33 12 0	4 0 9	Ditto.
Dalamull, of Cawnpore ...	650 12 0	78 1 5	Ditto.
Lieut. R. Douglas, H. M. 16th Foot, Cawnpore	22 0 0	2 10 3	Ditto.
Mr. D'Costa, of Entally, Calcutta ...	360 0 0	43 3 2	Ditto.
Gungapersaud, of Cawnpore ...	496 3 0	59 8 7	Ditto.
Gunnasy, of Cawnpore ..	40 0 0	4 12 10	Ditto.
Narain Doss, of Cawnpore ...	22 0 0	2 10 3	Ditto.
Peerbux, of Cawnpore ...	16 0 0	1 14 8	Ditto
Rajkissore of Cawnpore ...	8 0 0	0 15 5	Ditto.

Estate of Michael Schlatter.

	Claim Co.'s Rs.	1st Dividend at 7½ per Cent.	
J. C. Abbott, of Baushbariah, Indigo Planter	43 1 6	3 3 9	Not proved.
Boyd and Co., Secretaries, Commercial Insurance Company ...	2233 13 0	167 8 7	Ditto.
A. H. Sein, of Calcutta, Accountant ...	1875 0 0	140 10 0	Ditto.
Brigadier Tombs ...	1250 0 0	93 12 0	Ditto.
Gavin Young ...	1093 12 0	82 0 6	Ditto.
Macaire and Co., of Constance, in Germany	109 6 10	8 3 4	Ditto.
Captain John Seager, of Calcutta, Mariner	522 7 7	39 3 0	Ditto.
Captain James Ricket ...	378 6 3	28 6 0	Ditto.
Pasquale Banner and Co., of Florence ...	31 1 0	2 5 3	Ditto.
Gordon and Sons, of London ...	350 0 0	26 4 0	Ditto.
Captain Macfarlane, for the Barque *Indus* ...	3751 14 6	281 6 3	Ditto.
Captain Macfarlane, for ditto ...	238 8 0	17 14 2	Ditto.
Captain Stavers, Master, Barque *Cowasjee Family* ...	1142 13 8	85 11 5	Ditto.
Captain Stavers, Master ditto ...	50 0 0	3 12 0	Ditto.
Peter Bonnaud, of Calcutta, Merchant ...	279 12 2	20 15 9	Ditto.
E. J. Smith ...	5714 4 7	428 9 2	Ditto.
Major W. Grant ...	1142 13 8	85 11 5	Ditto.
Hansen and Co., of England ...	800 0 0	60 0 0	Ditto.
Estate of Captain R. Pyne ...	1788 8 3	184 2 3	Ditto.
G. W. Duncan, of Calcutta ...	250 2 8	18 15 0	Ditto.
Cosseenauth Chatterjee, Sircar ...	25 0 0	1 14 0	Ditto.
Hurry Sing, Durwan ...	10 0 0	0 12 0	Ditto.

Estate of W. H. Gilbert.

	Claim Co.'s Rs.	1st Dividend at 12 per Cent.	
Budden Chunder Sircar ...	2 8 0	0 4 10	Not proved.
Gunganarain Mullick and Co., Old China Bazar ...	50 0 0	6 0 0	Ditto.
Helasseeloll and Company ...	115 0 0	13 12 10	Ditto.
Roy Churn, Leatherman ...	15 0 0	1 12 10	Ditto.

Estate of C. L. Edwards.

	Claim Co.'s Rs.	1st Dividend at 20 per Cent.	
Ameeroody ...	7 3 6	1 7 1	Not proved.
Mrs. Eliza Blunt ...	37 0 0	7 6 5	Ditto.
Bindabun Mullick ...	150 0 0	30 0 0	Ditto.
Bowannee ...	121 9 7	24 5 1	Ditto.
W. C. Crane ...	35 2 0	7 0 5	Ditto.
Mrs. Carshore ...	172 10 0	34 8 5	Ditto.
Mr. Hatton ...	20 0 0	4 0 0	Ditto.
Mr. Hickworth ...	68 6 0	13 10 10	Ditto.
Jones and Company ...	268 8 0	53 11 3	Ditto.
D. E. Mallock, for Frith and Gordon ...	15 6 0	3 1 2	Ditto.
Mortimer and Company ...	10 0 0	2 0 0	Ditto.
Mackellar and Company ...	46 0 0	9 3 2	Ditto.
Ramdhun ...	80 0 0	16 0 0	Ditto.
R. Swinhoe, Executor of Mrs. Gillanders ...	138 10 8	27 11 8	Proved.
H. G. Statham ...	54 8 0	10 14 5	Ditto.
Mr. Spence ...	21 0 0	4 3 2	Ditto.
H. Tandy ...	60 4 0	12 0 10	Not proved.
Watkins, Cliff and Company ...	17 1 1	3 6 7	Proved.
J. H. Wilson ...	23 12 0	4 12 0	Not proved.
Mr. Wilkinson ...	23 15 0	4 12 7	Ditto.

Estate of J. E. Cheetham.

	Claim Sa. Rs.	1st Dividend at 20 per Cent.	
Comul Baboo ...	239 14 0	47 15 7	Not proved.
Captain Niel Stewart ...	515 14 0	103 2 10	Ditto.
Mr. Rozario ...	36 0 0	7 3 2	Ditto.
Servants under Military Court of Requests ...	638 14 1	127 12 5	Ditto.

Estate of Thomas Philpot.

	Claim Sa. Rs.	2nd Dividend at 20 per Cent.	
Cannoo Doss ...	16 0 0	3 3 2	Not proved.
Co-Operative Society ...	35 0 0	7 0 0	Proved.
Gungaram ...	38 0 0	7 9 7	Ditto.
Hurry Hur Doss ...	8 0 0	1 9 7	Not proved.
Juggomohun Seal ...	24 0 0	4 12 10	Ditto.
Kessub Doss ...	5 0 0	1 0 0	Proved.
Kooroonoo Mauther ...	55 0 0	11 0 0	Not proved.
Munnee Khanum ...	260 0 0	52 0 0	Ditto.
Ann Harriet Preston ...	36 0 0	7 3 2	Ditto.
Ruggoo Doss ...	16 0 0	3 3 2	Proved.

Estate of H. A. Elliott.

	Claim Co.'s Rs.	1st Dividend at 10 per Cent.	
Baboo Colly Coomar Chatterjee ...	101 5 4	10 2 1	Not proved.
Bourkey and Company ...	40 0 0	4 0 0	Ditto.
Barrett and Company ..	19 3 2	1 14 9	Ditto.
N. M. D. Estival ...	183 7 6	18 5 6	Ditto.
Gungaram Mullick ...	10 10 8	1 1 0	Ditto.
Goloke ...	13 0 0	1 4 10	Ditto.
George Samuel ...	42 0 0	4 3 2	Ditto.
James Hypher ...	38 8 0	3 13 7	Proved.
Mark Jones ...	165 0 0	16 8 0	Ditto.
Kanunal and Company ...	288 0 0	28 12 9	Not proved.
Laul Chund ...	8 0 0	0 12 10	Ditto.
Munnaloll ...	16 0 0	1 9 7	Ditto.
Mutafa Khan ...	41 5 3	4 2 1	Ditto.
Rajoo ...	13 0 0	1 4 10	Proved.
Ramchund ...	12 12 10	1 4 6	Not proved.
Seetanund Mozoomdar ...	9 12 0	0 15 7	Ditto.
Syfoo ...	25 0 0	2 8 0	Ditto.
A. White ...	67 3 2	6 11 6	Proved.

Estate of Connylaul Burraul and another.

	Claim Sa. Rs.	2nd Dividend at 2½ per Cent.	
Bindabun Mitter's son, Russickloll Mitter ...	1523 6 0	38 1 4	Not proved.
Bhogaban Doss' Estate ...	153 0 0	3 13 2	Ditto.
Buddinauth Paul Chowdry's Estate ..	5 0 0	0 2 0	Ditto.
Beelautee Khanum Beebee, of Chinsurah ...	210 0 0	5 4 0	Ditto.
Bhowanny Dean, of Calcutta, Peon ...	10 0 0	0 4 0	Ditto.
Bissonauth Ghose, of Calcutta, Gowallah ...	3 0 0	0 1 2	Ditto.
Collypersaud Mookerjee's Estate ...	10 11 0	0 4 3	Ditto.
Callykisto Ghose, of Simla, Banian ...	1491 12 0	37 4 8	Ditto.
Chuckoo Paul, of Calcutta, Gomasta ...	68 8 9	1 11 5	Ditto.
Colly Tohalia, of Calcutta, Khansamah ...	3 0 0	0 1 2	Ditto.
Dennaram Tewarry, of Calcutta, Peon ...	62 0 0	1 8 10	Ditto.
Dhurundas Paul, of Calcutta, Khansamah...	4 0 0	0 1 7	Ditto.
Gooroopersaud Dutt, of Calcutta, Banker ...	450 0 0	11 4 0	Ditto.
Govind Chunder Bhunjee ...	500 0 0	12 8 0	Ditto.
Govind Chunder Dhur ...	126 10 0	3 2 8	Ditto.
Gungapersaud Ghose, of Calcutta, Banker ...	30 0 0	0 12 0	Ditto.
Goverdhone, of Calcutta, Gomasta ...	18 7 0	0 7 5	Ditto.
Hurrokisto Sett's widow, Siboo Soondry Dossee	5 0 0	0 2 0	Ditto.
Kistno Churn Paul, of Chinsurah, Gomasta ...	4 0 0	0 1 7	Ditto.
Kistnokissore Dutt, of Calcutta, Gomasta ...	2 4 0	0 0 11	Ditto.
Mookta Dossee ...	2400 0 0	60 0 0	Ditto.
Estate of Mohéschund Day and others ...	954 0 0	23 13 7	Ditto.
Moheschunder and Rajchunder Sandell, of Calcutta, Sircars ...	237 0 0	5 14 10	Ditto.
Nobongo Dossee ...	200 0 0	5 0 0	Ditto.
Nemychurn Day's Estate ...	165 0 0	4 2 0	Ditto.
Nobokissore Mullick, of Calcutta, Householder ...	5 0 0	0 2 0	Ditto.
Nobokissore Chuckerbutty, of Calcutta, Gomasta ...	9 0 0	0 3 7	Ditto.
Nophur Nye, of Calcutta, Khansamah ...	2 0 0	0 0 10	Ditto.
Olongo Dossee, of Chinsurah, Widow ..	100 0 0	2 8 0	Ditto.

ESTATE OF CONNYLAUL BURRAUL AND ANOTHER.—*(Continued)*

	Claim Sa. Rs.	2nd Dividend at 11 per Cent.	
Pearee Dossie ..	600 0 0	15 0 0	Not proved.
Prankissen Seal, of Calcutta, Sircar ...	168 1 9	4 3 3	Ditto.
Punchanund Mitter, of Calcutta, Banian ...	3 0 0	0 1 3	Ditto.
Rungoo Dabee ...	800 0 0	20 0 0	Ditto.
Radakissen Mitter, of Calcutta, Banian ...	3176 10 9	79 6 8	Ditto.
Radhakantjee Idol ...	1027 0 0	25 10 10	Ditto.
Ramrutton Mookerjee, of Calcutta, Zemindar	34 10 0	0 13 10	Ditto.
Russickloll Burraul, of Calcutta, Banian ..	221 0 0	5 8 5	Ditto.
Rausbehairy Addy ...	42 4 0	1 0 11	Ditto.
Ramdhone Bonnerjee, of Telniparah, Zemindar ...	201 15 3	5 0 9	Ditto.
Rajkissore Dutt ...	124 15 6	3 2 0	Ditto.
Radakissen Sett, of Calcutta ..	105 6 0	2 10 2	Ditto.
Roop Loll Mullick, of Calcutta ...	5 0 0	0 2 0	Ditto.
Ramdhun Chatterjee, of Telniparah, Sircar	10 0 0	0 4 0	Ditto.
Radamadub Bonnerjee, of Calcutta ...	5 0 0	0 2 0	Ditto.
Rammohun Day, of Calcutta, Gomasta ..	9 12 3	0 3 11	Ditto.
Ramcaunt Chuckerbutty ...	6 0 0	0 2 5	Ditto.
Soroop Chunder Day, of Calcutta ...	70 0 0	1 12 0	Ditto.
Seedamchund Dutt, of Calcutta, Podar ...	2 0 0	0 0 9	Ditto.
Sooroop Chunder Mullick, of Calcutta ...	5 0 0	0 2 0	Ditto.
Toolsie Dossie ...	600 0 0	15 0 0	Ditto.
Woodoy Chund Dutt, of Calcutta, Banian ...	165 2 0	4 2 0	Ditto.

ESTATE OF J. A. AYTON.

	Claim Sa. Rs.	2nd Dividend at 11 per Cent.	
Begbie and Co. ...	18 12 0	2 10 0	Proved.
Bhoodoo ...	200 0 0	22 0 0	Not proved.
Bhustee Ram ...	144 0 0	15 13 5	Proved.
Captain Johnson, of the old 23rd Regt. N I., deceased ...	100 0 0	11 0 0	Not proved.
Khoda Bux ...	120 0 0	13 3 2	Ditto.
Mission Press ...	40 0 0	4 6 5	Ditto.
Mr. Macdonald ...	200 0 0	22 0 0	Proved.
Punchum ...	120 0 0	13 3 2	Not proved.
Government Gazette Press ...	50 0 0	5 8 0	Ditto.
Ramchund Biswas ...	70 0 0	7 11 2	Ditto.
Scott, Hunter and Co. ...	700 0 0	77 0 0	Ditto.
Sewdeen Sookool, Havaldar of 35th Regt. N. I. ...	150 0 0	16 8 0	Ditto.
Ujooba ...	144 0 0	15 13 5	Ditto.

ESTATE OF CHARLES TROWER.

	Claim Co's Rs.	2nd Dividend at 5 per Cent.	
Beeroo Saha, of Calcutta, Shop-keeper ...	200 0 0	10 0 0	Not proved.
Bussonauth Doss, of Baloor, Writer ...	110 0 0	5 8 0	Ditto.
Bussooroody Choudry, of Calcutta, Moonshee ...	300 0 0	15 0 0	Ditto.
Cossiseur Mostafee, of Burdwan, Zimindar ...	2000 0 0	100 0 0	Ditto.

ESTATE OF CHARLES TROWER.—*(Continued)*

	Claim Co.'s Rs	2nd Dividend at 5 per Cent.	
Cook & Co., of Calcutta, Stable-keepers ...	200 0 0	10 0 0	Not proved.
Doorgachurn Dutt, of Calcutta, Banian ...	300 0 0	15 0 0	Ditto.
Doorgadass Bhuttacharjee, of Callyghat ...	200 0 0	10 0 0	Ditto.
Fakeer Chund Chuckerbutty, of Calcutta, Banian ...	500 0 0	25 0 0	Ditto.
Guddadhur Mitter, of Sealdah, Banian ...	200 0 0	10 0 0	Ditto.
Gorachund Mitter, of Penhatty, Banian ...	1000 0 0	50 0 0	Ditto.
Heralall Soor, of Calcutta, Writer ...	150 0 0	7 8 0	Ditto.
Heralall Bysack, of Calcutta, Writer ...	1000 0 0	50 0 0	Ditto.
Hurrish Chunder Ghosaul, of Calcutta, Writer ...	1500 0 0	75 0 0	Ditto.
Jhoroo Sircar, of Calcutta, Shop-keeper ...	150 0 0	7 8 0	Ditto.
Jogoo Bysack, of Calcutta, Writer ...	200 0 0	10 0 0	Ditto.
Issur Chunder Takoor, of Calcutta, Writer .	100 0 0	5 0 0	Ditto.
Moneeram Sircar, of Calcutta ..	239 0 0	11 15 2	Ditto.
MacIntyre & Co., of Calcutta, Merchants ...	674 6 8	33 11 6	Ditto.
M. Manuk, Executor of Estate ...	800 0 0	40 0 0	Proved.
Modoosoodun Mitter, of Calcutta, Banian ...	750 0 0	37 8 0	Not proved.
Nocoor Chund Sett, of Calcutta, Sircar ...	200 0 0	10 0 0	Ditto.
Rameshur Ghose, of Calcutta, Shop keeper	57 0 0	2 13 7	Ditto.
Ramanath Gurgo, Rajah of Tumlook ...	1600 0 0	80 0 0	Ditto.
Ram Gopaul Sein, of Calcutta, Banian ...	200 0 0	10 0 0	Ditto.
Ramchunder Ghose, of Calcutta, Writer ...	100 0 0	5 0 0	Ditto.
Soroop Chunder Dutt, of Calcutta, Shop-keeper, ...	700 0 0	35 0 0	Ditto.
Syed Abdool Moojeed, of Hooghly ..	1400 0 0	70 0 0	Ditto.
Sumbhoo Chunder Sircar, of Seebpore ...	618 10 8	30 14 11	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Sircar	200 0 0	10 0 0	Ditto.
Sumbhoo Chunder Bose, of Calcutta, Writer	200 0 0	10 0 0	Ditto.
Soojeckour Sait, of Calcutta, Sircar ...	150 0 0	7 8 0	Ditto.
Tacoor Doss Mistry, in 24-Pergunnahs ...	350 0 0	17 8 0	Ditto.
Modoosoodun Ghose, in Ditto ...	200 0 0	10 0 0	Ditto.

ESTATE OF FRANCIS FAVIER.

	Claim Co.'s Rs.	1st Dividend at 6 per Cent.	
Lollmohun, of Calcutta, Chowkeydar ..	55 0 0	3 4 10	Not Proved.
Obhoy Churn Seal, of Calcutta, Shop-keeper	51 0 0	3 0 11	Ditto.
Ramnohun Bose, of Calcutta, Bottle Merchant ...	80 0 0	4 12 10	Ditto.
Ramchund Roy & Co., of Calcutta, Shop-keeper ...	120 0 0	7 3 2	Ditto.
Radamohun Doss & Co., of Calcutta, Bottle Merchant ...	19 5 0	1 2 6	Ditto.
Ramchund Doss, of Calcutta, Silk Merchant	14 0 0	0 13 5	Ditto.
Ramchundro and Sectaram Tacoors, of Calcutta ...	22 0 0	1 5 2	Ditto.
Sibchunder, of Calcutta, Gardener ...	14 0 0	0 13 5	Ditto.
Soroop Chunder Mullick, of Calcutta, Shop-keeper ...	23 4 0	1 6 4	Ditto.

JOHN COCHRANE,

Official Assignee.

12*th February* 1857.

Notice.

DURING MR. F. W. PLACE'S absence, or until further notice, MR GEORGE BERRESFORD, Manager of the Delhi Bank, will act as Attorney for him, as Managing Proprietor of the *Delhi Gazette Press*, and it is therefore requested that all Remittances on account of any Department of the *Delhi Gazette Press*, be addressed and endorsed as at present, and not to the *Editor of the Delhi Gazette*, or any other person, as is frequently done.

MR GEORGE BERRESFORD, or the Manager of the Delhi Bank, for the time being, is also empowered to sign all Letters and Receipts from and on account of the *Delhi Gazette Press*, at Delhi.

The following Agents are empowered to receive Remittances, and give Receipts for Payments, on account of the *Delhi Gazette Press*.

Calcutta .... { The Agent Oriental Bank Corporation. / Messrs. Mackenzie, Lyall and Co.
Bombay .... { Messrs. Postonjee, Jewunjee and Co. / The Agent Oriental Bank Corporation.
Agra .... The Agent Agra and U. S. Bank.
Madras ... Messrs Pharoah and Co.
London ... Messrs. Grindlay and Co.

F. W. PLACE,
Managing Proprietor,
Delhi Gazette Press.

Delhi, 22*nd Jan.* 1857.

Assam Company.

GENERAL MEETING OF PROPRIETORS.

NOTICE is hereby given that a General Meeting of Proprietors will be held at the Company's Office, on Saturday, the 28th Instant, at the hour of 3 o'Clock in the afternoon, when the Report of the Directors and the Accounts for the past year will be submitted.

The Accounts will be open for the inspection of Proprietors on and after the 21st Instant.

By order of the Directors,

T. E. CARTER,
Depy. Secretary.

No. 1, BARRETTO'S LANE,
Calcutta, 20*th February* 1857.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND CO., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.
THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1*st February* 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND CO., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1*st February* 1857.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29*th January* 1855.

LOST.—The Government Promissory Notes, No. 4167, of the 5 per Cent. Public Works Loan, dated the 12th day of March 1855, for Company's Rupees 5,000, originally standing in the name of the Oriental Bank Corporation, and No. 1560 of 20206, of the 6th 4 per Cent. Loan, dated 30th June 1854, for Company's Rupees 1,000, originally standing in the name of Gungagobind Shaha, both of which Notes were lost, endorsed by the proprietor, Captain R. D. C. Bruce, now of Her Majesty's 82nd Regiment of Foot, to J. J. Bailey, Esquire, Ensign in Her Majesty's 29th Regiment of Foot, by whom they were never endorsed to any other person. Payment of the above Notes and of interest thereupon, has been stopped at the Loan Office, and application is about to be made to Government for the issue of Duplicate Notes in favor of the proprietor.

PAUL & CARRUTHERS,
Solicitors for Captain Bruce.

CALCUTTA;
8, *Hastings' Street,*
The 24*th November* 1856.

LOST.—An unindorsed Bank of Bengal Sola Bill, No. 679, dated 24th December 1856, for Company's Rupees 10,000, payable to me or order, payment of which has been stopped in the Bank. Whoever will bring the same at No. 8, Lyons' Range, will be rewarded by Ramdhone Ghose.

LOST.—The first-halves of Bank of Bengal Notes, in August last, Nos. 16131 and 22069, each ten Rupees, the payment of which has been stopped at the Bank.

Post Office Notifications

No. 3628.

Wax Cloth	Guzree Cloth.	Bullock Hide.	
Wax.	Log Line.	Buckles.	
Rosin.	Twine.	Gunny and Putties.	
Sealing-Wax.	Jute Rope.	Earthen Pots.	
Fire-wood.	Pitch.	Nails.	
Wax Candles.	Dammer.	Tacks.	
Mustard Oil.	Ditto Melting Pots.	Canvas.	
Cocoanut Oil.	Brushes.		

Sealed Tenders for the supply of such quantities of Articles mentioned in the margin, as may be required for the use of the Calcutta General Post Office, for one year, will be received at the General Post Office up to noon, on the 25th Instant, when they will be opened in the presence of parties interested who may be in attendance.

A deposit of Company's Rupees 1,000, (one thousand), in Company's paper will be required with such tender. Further particulars may be obtained on application at the General Post Office.

C. K. Dove,
Deputy Post-master General.

Calcutta;
General Post Office,
The 16th February 1857.

No. 1987.

Overland Mail.

The Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, and Aden, per P. and O. Co.'s Steamer *Alma*, will be closed at this Office on Saturday, the 7th Proximo.

1*st.*—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd.*—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd.*—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th.*—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th.*—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th.*—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th.*—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th.*—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th.*—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th.*—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th.*—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th.*—Only one paper can be sent in one cover.

Fort William;
General Post Office,
The 24th February 1857.

C. K. Dove,
Deputy Post-master General.

No. 1958.

NOTICE is hereby given, that the Mails for Akyab, Rangoon and Moulmein, for transmission per Steamer *Manchester*, will be closed at this Office, on Friday, the 27th Instant.

FORT WILLIAM;
General Post Office,
The 24th February 1857.

C. K. DOVE,
Deputy Post-master General.

IT is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office, between Monday the 16th February 1857, and Sunday the 22nd February 1857, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified:—

Letters received on dates, from and to	*By what Ship despatched.*	*Bound to*	*Remarks.*
16th to 20th Feby. 1857..	Southern Cross.....	Sydney..	Left town on the 21st Feb. 1857.
16th to 21st ditto ..	Steamer Lancefield ..	Penang, Singapore and China	Ditto on the 22nd ditto.
16th to 22nd ditto ..	Steamer Manchester .	Rangoon and Moulmein....	Will sail in a day or two.

CALCUTTA;
General Post Office,
The 24th February 1857.

C. K. DOVE,
Deputy Post-master General.

CALCUTTA:—Printed and Published by JOHN GRAY, *at the "* CALCUTTA GAZETTE" OFFICE, *No. 54, Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 25, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 18th of May next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Madras.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the Presidency of Fort St. George as are subject to the General Regulations of the Madras Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Fort St. George as are subject to the General Regulations of the Madras Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court

The Sudder Court at Madras shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers.

6. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Madras Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person exempted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations ; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend :

Pecuniary limitation

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action ; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action :

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees ; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same ; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate

Declaratory suit.

18. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

19. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words:—

Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances:

If the suit be for a Zemindary, or share in a Zemindary:—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or 'The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect:—

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows:—

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the summons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Board of Revenue, and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Madras Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Board of Revenue, and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Madras Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Board of Revenue, together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Board of Revenue.

41. The Board of Revenue, after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Board of Revenue is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Board of Revenue that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Madras Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Madras Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Madras Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is returned, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108 The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid

Expenses of witnesses to be paid before issue of summons.

109 Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112 Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113 When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed, and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116 If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence. or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

But a witness may for special cause be examined immediately.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

Witnesses to be examined without oath, affirmation, or warning.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Of Commissions to examine absent Witnesses and make local Inquiries.

Cases in which Court may issue a Commission to examine witnesses.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just.

Where the witness is within the Court's jurisdiction.

If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint.

Where the witness is beyond the Court's jurisdiction.

If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Madras, but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is beyond the general jurisdiction of the Sudder Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Commission to be returned with the depositions of the witnesses.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the prsence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Co mmission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation, or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the procedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either im nediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Ju lge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs.

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

18. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV, or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV, respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchéry of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner herein after mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Madras it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Madras, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years;

and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Madras Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

CHAPTER IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant

[*Name of Appellant*] Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Madras [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence.

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called off, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent, to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground.

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds.

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2 Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree

3 In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4 The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts

SCHEDULE A. referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution						Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	Date of Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT OF MADRAS [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18 .

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT OF MADRAS [or Zillah Court at .]
REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRANT, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, FEBRUARY 25, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 21st of May next :—

A Bill, for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Bombay.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court

The Sudder Court at Bombay shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers

6. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bombay Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillahs

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Declaratory suit.

18. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

19. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party, or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :— Payment of Company's Rupees , on account of injury done to the plaintiff, by calling him on the day of , a (thug, or thief, or as the case may be), or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal.

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit
In the Court of the of
holden at

Plaintiff.
Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

Further direction on summons for final disposal of the case.

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons to settle the issues.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Time for appearance on a summons for final disposal of the case.

Service of Summons on the Defendant.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Summons shall be served by the officer.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

Latest day of service to be written at foot of the summons.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

How service shall be made.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindu family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

When there are several defendants.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Service to be on defendant in person, or on his accredited agent.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Who may be agent for this purpose.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

Accredited agents of Government.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

If defendant cannot be found, service may be made on a member of his family.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the sommons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Revenue Commissioner and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bombay Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Revenue Commissioner and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bombay Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Revenue Commissioner together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Revenue Commissioner.

41. The Revenue Commissioner after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Revenue Commissioner is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Revenue Commissioner that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but, if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representatives.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bombay Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bombay Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bombay Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement,

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for a person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time obtain, on application to the clerk or other proper officer of Court, summonses to witnesses or other persons, with or without a clause requiring the production of books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence ; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

But a witness may for special cause be examined immediately.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

Witnesses to be examined without oath, affirmation, or warning.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Of Commissions to examine absent Witnesses and make local Inquiries.

Cases in which Court may issue a Commission to examine witnesses.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

Where the witness is within the local jurisdiction of the Supreme Court.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Bombay but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is beyond the general jurisdiction of the Sudder Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Commission to be returned with the depositions of the witnesses.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the prsence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the procedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels.

When judgment is to be pronounced.

138. In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations

How the judgment is to be delivered

142 The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143 The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commanding officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required whether by the delivery of property specially decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause.

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge. a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupacy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bond fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bond fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsoever, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Bombay it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Bombay, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and, proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years; and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other Courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief Court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bombay Code, or Act of the Council of India, will, deed, or other instrument in writing, or any article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application.

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*] Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Bombay [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent.

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment			Appeal.		Execution.						Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	of Date Order.	Against whom.	For what, and Amount of Money.	Amount of Costs.		Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT OF BOMBAY [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18 .

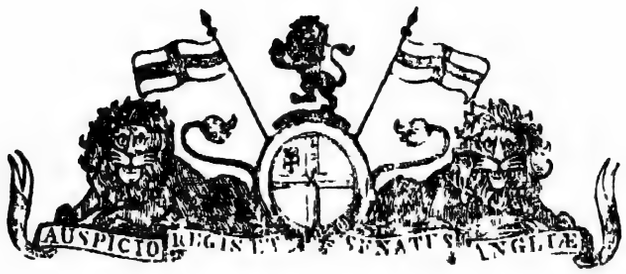
Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.			
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.	

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT OF BOMBAY [or Zillah Court at
REGISTER OF APPEALS from ORDERS in the year 18

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRANT, "CALCUTTA GAZETTE" OFFICE.



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Published by Authority.

WEDNESDAY, FEBRUARY 25 1857.

NOTICE is hereby given, under Section. VI. Act I. of 1845, that the under-mentioned Estates in Zillah Sylhet, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 16th day of March 1857, for Arrears of Revenue and all other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 19th January 1857 :—

Class I.—Permanently-settled Estates.

No. 31.—Talook Mooktaram Sein, Pergunnah Badelshure ; recorded proprietors, Shaheb Ram and others ; sudder jumma, rupees 20-14-6.

No. 313.—Talook Moolook Chund, Pergunnah Cooshear Cool ; recorded proprietors, Rozak Mahomed and others; sudder jumma, rupees 27-15-2.

No. 102.—Talook Molick Mahomed, Pergunnah Ruffeenugur ; recorded proprietors, Nowaz Mahomed and others ; sudder jumma, rupees 11-1-6.

No. 122.—Talook Mouza Ramkistopore, Pergunnah Lungla ; recorded proprietor, Ram Chand ; sudder jumma, rupees 10-3-10.

No. 179.—Talook Doorgapore, Pergunnah ditto; recorded proprietor, Annud Bancha Ghose ; sudder jumma, rupees 21-8-9.

No. 607.—Talook Luckheenugur, Pergunnah Lungla; recorded proprietor, Hoolash Ram Deb sudder jumma, rupees 10-3-10

No. 130.—Talook Jeebonanud, Perguunah ditto ; recorded proprietors, Shoroop Chunder Roy and others; sudder jumma, rupees 13-13-10.

No. 37.—Talook Soonder Ram, Pergunnah Atooajan ; recorded proprietor, Prokas Chunder Doss , sudder jumma, rupees 30-14-11.

No. 84.—Talook Sreemunth Khan, Pergunnah ditto ; recorded proprietors, Shebanund and others ; sudder jumma, rupees 16-6-10.

No. 57.—Talook Chand Ram Chowdry, Pergunnah Chamtollah ; recorded proprietor, Mr A. Vincent ; sudder jumma, rupees 108-9-5.

No. 4.—Talook Romabullub Roy, Pergunnah Havilly Shotrosoty ; recorded proprietors, Pooroshutum Dutt and others ; sudder jumma, rupees 100-11-1.

No. 754.—Talook Goureebullub, Pergunnah Chowalies ; recorded proprietors, Manick Ram Dutt and others ; sudder jumma, rupees 41-13-0.

No. 54.—Talook Mahomed Tuckee, Perguannah Bajoorah ; recorded proprietor, Golamhosen ; sudder jumma, rupees 17-14-9.

No. 1.—Talook Syud Mahomed Nazir Hessa Syud Mahomed Bateer, Pergunnah Turrup ; recorded proprietors, Nubkisto Mojomdars and others ; sudder jumma, rupees 3164-5-4

No. 1.—Talook ditto, Hissa Syud Nymullah, Pergunnah ditto ; recorded proprietors, Manick Ram and others ; sudder jumma, rupees 373-1-1.

No. 2.—Talook Syud Ahmud Ally Hissa, Syud Ahmud Rezah, Pergunnah ditto ; recorded proprietors, Prosooram and others ; sudder jumma, rupees 1509-0-0.

No. 2.—Talook ditto, Hissa Syud Muddun Reza, Pergunnah ditto ; recorded proprietors, Rumbullub and others ; sudder jumma, rupees 2784-3-2.

No. 2 —Talook ditto, Hissa Syud Kaimrezah, Pergunnah ditto; recorded proprietors, Joygovind Bose and others ; sudder jumma, rupees 1,966-14-11.

No. 2.—Talook ditto, Hissa Syud Kolin Rezab, Pergunnah ditto; recorded proprietors, Joygovind Roy and others; sudder jumma, rupees 718-12-10.

No. 273.—Talook Govind Ram Serma, Pergunnah ditto; recorded proprietor, Ramkanth Sermah and others; sudder jumma, rupees 13-2-2.

No. 459.—Talook Jamal Keshore, Pergunnah Turruff; recorded proprietor, Jamaldee; sudder jumma, rupees 10-10-8.

No. 1165.—Talook Nugda Chowbeh, Pergunnah ditto; recorded proprietor, himself; sudder jumma, rupees 11-10-8.

No. 1.—Talook Syud Abool Hosein, Hissa Syud Ekber Hosein, Pergunnah Godahoseinnugur; recorded proprietors, Kisto Churn Kur and others; sudder jumma, rupees 187-1-1.

No. 30.—Talook Syud Reajoo Rohoma, Pergunnah ditto; recorded proprietors, Syud Reajoo Rohama and others; sudder jumma, rupees 139-7-6.

T. P. LARKINS,

Offg. Collector.

SYLHET COLLECTORSHIP,
The 16th February 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt of Bengal

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work*

CECIL BEADON,
Secy to the Govt of India.

SATURDAY, FEBRUARY 28, 1857.

Legislative Council.

The 21st February 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 13th February 1857, and is hereby promulgated for general information :—

ACT No. V OF 1857.

An Act to confer certain powers on the Oriental Gas Company, Limited.

Preamble.

WHEREAS a Joint Stock Company has been lately formed for the purpose of introducing Gas-works into India, which Company having been completely registered in England under the Act of Parliament of the eighth year of the reign of her present Majesty, Cap. 110, has since been registered in England under "The Joint Stock Companies' Act, 1856" with limited liability, and has duly obtained a certificate of Incorporation under the name of the Oriental Gas Company, Limited; and whereas the said Company has erected Gas-works on land granted for that purpose by Government in the vicinity of the Town of Calcutta, and is engaged in the preparation of apparatus and materials for the manufacture and supply of Gas for lighting the said Town; and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with Gas the said Town of Calcutta, which powers and facilities may hereafter be extended to the operations of the said Company in other Towns and places: It is enacted as follows :—

Power to break up streets, &c, under superintendence, and to open drains.

I. In the Town of Calcutta and its environs, and in any other Town or place to which the provisions of this Act may hereafter be extended, by a law to be passed for that purpose, the Oriental Gas Company, Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the Gas; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges, and they may in such streets erect any pillars, lamps, and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying Gas to the inhabitants of the said Town of Calcutta and its environs, or other Town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter on private land without consent.

II. Provided always, that nothing herein shall authorize or empower the said Company to lay down or place any pipe or other works into, through, or against any build-

ing, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof; except that the said Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe, in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

Notice to be served on persons having control, &c., before breaking up streets or opening drains.

III. Before the said Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Municipal Commissioners for the Town of Calcutta, or other persons under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work; except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Streets or drains not to be broken up, except under superintendence of persons having control of the same.

IV. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate; and such Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain. Provided always, that, if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

If persons having the control, &c., fail to superintend, Company may proceed with the work.

Streets, broken up to be re-instated without delay.

V. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and re-instate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up; and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for delay in re-instating streets.

VI. If the said Company open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorized to perform such works without any superintendence or notice; or if the said Company make any delay in completing any such work, or in filling in the ground or re-instating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

In case of delay, other parties may re-instate, and recover the expenses.

VII. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed; and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall, in case of any dispute about the same, be ascertained and recovered, in Calcutta and in any other Town or place subject to the jurisdiction of any of Her Majesty's Courts of Judicature, in the manner in which expenses are ascertained and recovered under Act XIV of 1856, and in any Town or place not within the jurisdiction of any of Her Majesty's Courts, in the same manner as damages are recoverable under this Act.

Expense how to be ascertained and recovered.

Power to enter buildings for ascertaining quantity of Gas consumed.

VIII. The Clerk, Engineer, or other Officer duly appointed for the purpose by the said Company, may, at all reasonable times, enter any buildings or place lighted with Gas supplied by the said Company, in order to inspect the meters, fittings, and works for regulating the supply of Gas, and for the purpose of ascertaining the quantity of Gas

Account of Receipts and Disbursements of the District Charitable Society, from 1st October to 31st December 1856.

	To Receipts.					By Disbursements.														
								Total Relief afforded.								*Establishment.*			
	Balance.	*Central Committee.*	*Collections and Donations.*	*Interest on Government Securities.*	*Total.*	*District and other Committees.*	*Central Committee.*	*Europeans.* M.	*Europeans.* F.	*East Indians.* M.	*East Indians.* F.	*Natives.* M.	*Natives.* F.	*Grand Total.* M.	*Grand Total.* F.	*Amount paid.* Rs. A. P.	*Districts, &c.*	*Medical Officer.*	*Contingencies.*	*Total.*
..	1,996 3 6	....	272 15 6	....	2,269 3 0	....	200 0 0	..	..	..	4	..	..	..	4	58 0 0	126 0 0	....	....	384 0 0
..	679 14 3	300 0 0	710 14 0	....	1,690 12 3	....	....	3	..	31	72	11	11	45	83	1,178 4 0	267 0 0	....	16 11 6	1,461 15 6
..	285 7 4	200 0 0	456 13 9	....	942 5 1	....	....	..	..	12	25	..	1	12	26	444 0 0	123 0 0	....	2 0 0	569 0 0
...	154 12 2	....	206 0 0	....	360 12 2	....	....	..	..	3	6	14	15	17	21	103 0 0	9 0 0	....	....	112 0 0
..	....	....	554 7 3	....	554 7 3	....	....	4	..	6	5	1	..	11	5	210 0 0	6 0 0	....	....	216 0 0
..	328 15 9	1,050 0 0	....	....	1,378 15 9	....	....	..	..	..	..	232	461	232	461	1,211 0 0	111 0 0	....	3 0 0	1,325 0 0
..	1,110 7 3	....	1,000 0 0	....	2,110 7 3	....	....	..	..	..	..	463	207	463	207	1,438 0 0	34 8 0	....	1 8 0	1,474 0 0
..	238 2 6	....	387 0 0	....	625 2 6	....	....	..	..	16	41	1	2	17	43	402 5 6	....	....	....	402 5 6
..	70 15 3	771 0 0	....	....	841 15 3	....	....	45	38	21	10	70	4	91	52	432 14 6	207 0 0	....	198 10 9	838 9 3
...	34 15 0	5,620 0 0	....	....	5,654 15 0	....	....	..	..	100	77	27	38	172	153	1,312 7 6	1,083 0 0	....	3,244 5 9	5,639 13 3
..	....	....	....	2,460 0 0	2,460 0 0	....	....	..	...	50	230	153	342	203	572	2,035 8 0	60 0 0	....	....	2,095 8 0
..	....	....	....	261 5 4	261 5 4	....	....	..	..	..	15	15	24	15	39	124 8 0	....	....	.... 10 5	125 2 5
..	....	....	....	60 0 0	60 0 0	....	....	..	..	..	..	6	9	6	9	30 0 0	....	....	.... 2 5	30 2 5
..	12,572 4 1	....	5,520 7 9	....	18,092 11 10	7,941 0 0	....	..	..	..	..	..	..	..	..	...	588 0 0	300 0 0	30 14 2	8,859 14 2
..	17,472 1 1	7,941 0 0	9,108 10 3	2,781 5 4	37,303 0 8	7,941 0 0	200 0 0	52	38	239	485	998	1,152	1,289	1,675	8,979 15 6	2,614 8 0	300 0 0	3,497 15 0	23,533 6 6

LIST OF SUBSCRIBERS AND DONORS SINCE THE LAST QUARTERLY STATEMENT.

...l Subscribers.

......	......	Co.'s Rs	50	0	0
......	......	"	100	0	0
......	......	"	12	0	0
......	......	"	12	0	0
......	......	"	12	0	0
......	......	"	12	0	0
......	......	"	12	0	0
......	......	"	12	0	0
......	......	"	25	0	0
......	......	"	75	0	0
......	......	"	12	0	0
......	......	"	12	0	0
......	......	"	12	0	0

Donors.

W. Macpherson, Esquire, ...	Co.'s Rs.	100	0	0
Mr. John Andrew, through Mr. P. M. Cranenburgh, ...	"	2	0	0
G. B. Robinson, Esquire, ...	"	20	0	0
T. C., ...	"	25	0	0
G. H. K., ...	"	10	0	0
G. C. Francis. Esquire, ...	"	30	0	0

Donors.

A. B. C. (for Leper Asylum,)	Co.'s Rs.	25	0	0
W. Roberts, Esquire, ...	"	40	0	0
A. Friend through Messrs. Gillanders, Arbuthnot and Co., ...	"	1,000	0	0
A. Sconce, Esquire, ...	"	100	0	0
E. W. H., ...	"	25	0	0

...is Society are requested to refer all Petitions, which may be presented to them, to Mr. D. Templeton, at the Secretary's Office, No. 8-1, *Russell Street.*

Contributions of Old Clothes. &c. are thankfully received.

J. GREGORY VOS, M. D.,
Honorary Secretary,
District Charitable Society.

P. M. CRANENBURGH, BENGAL MILITARY ORPHAN PRESS.

consumed or supplied; and if any person hinder such Officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

Recovery of rents due for Gas.

IX. If any person supplied with Gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, neglect to pay the rent due for the same to the said Company, the said Company may stop the Gas from entering the premises of such person, by cutting off the service-pipes, or by such means as the said Company shall think fit, and recover the rent due from such person, together with the expenses of cutting off the Gas, by action in any Court of competent jurisdiction.

Power to take away pipes when supply of Gas discontinued.

X. In all cases in which the said Company are authorized to cut off and take away the supply of Gas from any house or building or premises under the provisions of this Act, the said Company, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the said Company.

Meters not liable to distraint for rent, &c.

XI. Any meter or fitting let for hire by the said Company shall not be subject to distress for rent or revenue, or any rate due upon the premises where the same may be used, nor be taken in execution under any process of a Court of law or equity, or any proceeding in Insolvency against the person in whose possession the same may be.

Penalty for fraudulently using Gas.

XII. Every person who shall lay, or cause to be laid, any pipe to communicate with any pipe belonging to the said Company, without their consent, or shall fraudulently injure an such meter as aforesaid, or who, in case the G supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the Gas, or shall supply any other person with any part of the Gas supplied to him by the said Company, shall forfeit to the said Company the sum of fifty rupees for every such offence, and also the sum of twenty rupees for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the said Company may take off the Gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for wilfully damaging pipes.

XIII. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying Gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the Gas supplied by the said Company, shall, for each such offence, forfeit to the said Company any sum not exceeding fifty rupees, in addition to the amount of the damage done.

Satisfaction for accidentally damaging pipes.

XIV. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Company, or under their control, shall pay such sum of money by way of satisfaction to the said Company for the damage done, not exceeding fifty rupees, as any Magistrate shall think reasonable.

Penalty for causing water to be corrupted.

XV. If the said Company shall at any time cause or suffer to be brought, or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying Gas, or shall wilfully do any act connected with the making or supplying of Gas, whereby the water in any such stream, reservoir, aqueduct, pond, or place for water, shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees; and they shall forfeit an additional sum not exceeding five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company, by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby; and such penalties shall be paid to such last-mentioned person.

Daily penalty during the continuance of the offence.

Daily penalty during escape of Gas after notice.

XVI. Whenever any Gas shall escape from any pipe laid down or set up by or belonging to the said Company, they shall, immediately after receiving notice thereof in writing, prevent such Gas from escaping; and in case the said Company shall not, within twenty four hours next after service of such notice, effectually prevent the Gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of fifty rupees for each day during which the Gas shall be suffered to escape, after the expiration of twenty-four hours from the service of such notice.

Penalty if water be fouled by Gas.

XVII. Whenever any water shall be fouled by the Gas of the said Company, they shall forfeit to the person whose water shall be so fouled, for every such offence a sum not exceeding two hundred rupees, and a further sum, not exceeding one hundred rupees for each day during which the offence shall continue, after the expiration of twenty-four hours from the service of notice of such offence.

Power to examine Gas-pipes to ascertain cause of water being fouled.

XVII. For the purpose of ascertaining whether such water be fouled by the Gas of the said Company, the person to whom the water supposed to be fouled shall belong, may dig up the ground, and examine the pipes, conduits, and works of the said Company; provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice in writing to the said Com-

pany of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road, pavement, or place where such digging is to take place, and they shall be subject to the like obligation of re-instating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company, for the purpose of laying their pipes.

Expenses to abide result of examination.

XIX. If upon any such examination, it appear that such water has been fouled by any Gas belonging to the said Company, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the said Company; but if upon such examination it appear that the water has not been fouled by the Gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

How expenses to be ascertained.

XX. The amount of the expenses of every such examination and repair, and of any injury done to the said Company, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in Section VII of this Act.

Liability to indictments for nuisance.

XXI. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of making or supplying Gas.

Copies of the original Deed of Association and of all Rules, &c. to be kept for inspection at the Office of the Company in Calcutta and in the Office of the Registrar of Joint Stock Companies or the Keeper of the Records of the Supreme Court at Fort William.

XXII. A copy of the original Deed of Association of the said Company, and of every other instrument registered under the said "Joint Stock Companies' Act, 1856," as constituting the Regulations of the said Company, and a copy of every special resolution of a General Meeting whereby any change shall have been, or at any time shall be made in the Regulations of the said Company, shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office; and a copy of such original Deed of Association, and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the Office of the Registrar of Joint Stock Companies, or, if there be no such Officer, in the Office of the Keeper of the Records of the Supreme Court of Judicature at Fort William, and shall there be filed; and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the Keeper of the Records of the said Supreme Court, shall be good and sufficient evidence of each such original Deed, instrument, or special resolution, in all actions, suits, and proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice or before any Magistrate, or Revenue or other Officer, and whether acting judicially or in any proceeding preliminary to a judicial inquiry, throughout the Territories of the East India Company.

Service of process.

XXIII. All services of mesne or other process, and all notices whatsoever, which, by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given, in addition to all ways and means by which the same may otherwise be legally made, served, and given, by leaving the same addressed to the Managing Agent of the said Company at the Office in Calcutta of the said Company.

Recovery of penalties &c.

XXIV. All penalties and forfeitures imposed by this Act, and all damages and expenses the recovery of which is not specially provided for, may be recovered by summary proceeding before a Magistrate.

Levy by distress.

XXV. All penalties, forfeitures, damages, and expenses adjudged due under this Act, if the amount be not otherwise paid, may be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained; or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures, damages, or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage, or expenses may sue the person liable to pay the same in any Court of competent jurisdiction.

No distress unlawful for want of form, &c.

XXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Intrepretation.

XXVII. The following words and expressions used in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include a corporation, whether aggregate or sole.

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place.

The word "Magistrate" shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the powers of Magistrate, acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 21st February 1857.

THE following Bill was read a second time in the Legislative Council on the 21st February 1857, and was referred to a Select Committee who are to report thereon after the 25th of April next :—

A Bill to amend the Law regarding the provision of carriage and supplies for Troops and Travellers, and to punish unlawful impressment.

Preamble.

WHEREAS the habitual impressment by the Civil Power, under the Regulations in force in the Presidency of Fort William in Bengal, of carts, cattle, boats, boatmen, and bearers, in order to facilitate the passage of troops through the Districts of that Presidency, is unnecessary and oppressive ; and whereas such impressment is always liable to abuse, and therefore should never be resorted to except on occasions of emergency, when it may be impossible, even by the offer of more than the common rates of hire, to procure sufficient carriage in time to meet the emergency ; and whereas it is unnecessary to authorize travellers to require the assistance of Officers of Police in procuring means of transport, or supplies of provisions or of other articles during their journeys, and such assistance, when given, is oppressive, and liable to abuse : It is enacted as follows :—

Laws repealed and modified.

I. Sections II and VIII, and Clause 7 Section IX of Regulation XI of 1806 of the Bengal Code are repealed. Sections III, IV, VI, and VII of the said Regulation, and Regulation VI of 1825, of the same Code are modified, and their operation restricted in the manner following.

Collectors, Magistrates, &c., prohibited from impressing all means of transport, except as hereinafter provided.

II. Except as hereinafter provided, all Collectors and Magistrates, and all Officers subordinate to them, are prohibited from impressing any carts, cattle, boats, boatmen, bearers, or any other means of transport whatsoever, for any purpose whatsoever ; anything in Regulation XI of 1806, or Regulation VI of 1825 of the Bengal Code to the contrary notwithstanding.

Punishment for subordinate Revenue or Police Officers impressing means of transport or workmen, and for enforcing delivery of provisions, &c. to travellers.

III. Whoever, being an Officer of Revenue or Police subordinate to a Collector or Magistrate, impresses or attempts to impress any cart, cattle, boat, boatman, bearer, cooly, or other means of transport contrary to the provisions of this Act, or otherwise without authority of law ; or impresses or attempts to impress any workman, laborer, or cooly, without authority of law ; or enforces or attempts to enforce the delivery of supplies of provisions or other articles to travellers or others, without authority of law—shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months, and shall also be liable to fine. And the conviction of an offender under this Section shall not bar the right of any person, directly or indirectly injured by any such illegal act, to redress by Civil action.

In cases of emergency, Military Officers in command of troops may, by an order, be authorized to require Collectors and Magistrates to aid in procuring carriage, supplies, &c.

IV. It shall be lawful for the Governor General of India in Council, and for any Lieutenant-Governor, and for any Chief Civil Officer of any Province under the immediate jurisdiction of the Government of India, within their respective jurisdictions, by an order stating that a case of emergency has arisen, and that it is impossible, even by the offer of double the common rates of hire and prices, to obtain the carriage, and to arrange for the provision of supplies for the troops required to meet the emergency, to authorize any Military Officer commanding a body or detachment of troops to call upon the Collectors and the Magistrates of Districts or places from, through, or near to which such troops are ordered to march, to aid in procuring all necessary carriage whether by land or water, and supplies, and to facilitate the progress of the troops through his jurisdiction by the preparation of boats, or temporary bridges instead of boats, when necessary for crossing streams upon the line of march. Upon the receipt of such requisition made in accordance with such order, all Collectors so called upon shall proceed in the manner prescribed by Section III Regulation XI of 1806 of the Bengal Code ; and all Magistrates so called upon shall proceed in the manner prescribed in Section VI of the same Regulation ; and thereupon the provisions of Sections III, IV, VI, and VII of the same Regulation, and the provisions of Regulation VI of 1825 of the aforesaid Code, shall apply to all Revenue and Police Officers, Landholders, Farmers, Tehsildars, or others having the management of land, and to all other persons concerned, in the same manner as if this Act had not been passed. Provided that no carriage shall be impressed, and no provision of supplies shall be made under this Section, other than or in excess of the quantity and description of carriage and supplies now or hereafter to be authorized by the General Orders of Government, according to the number and description of the troops moving.

On receipt of requisition, Collectors and Magistrates how to act.

Carriage and supplies not to be impressed and provided other than or in excess of the quantity and description authorized by the General Orders of Government.

Collectors and Magistrates may act in like manner as provided in the preceding Section, in cases of public disturbance, when troops are suddenly ordered to take the field and there is no time for applying for an order of Government.

V. Whenever it is certified to any Collector or Magistrate as aforesaid, by a Commanding Officer as aforesaid, that a body or detachment of troops under such Officer's command has been ordered suddenly to take the field, or to proceed to some place in order to preserve the peace of the country ; and that it is impossible, even by the offer of double the common rates of

hire and prices, to obtain the carriage, or to arrange for the provision of the supplies, or to make the preparations for facilitating the movement required to meet the emergency; and that there is not time to apply for the order described in Section IV of this Act; such Collector or Magistrate shall proceed in the manner prescribed in the said Section, in order to the obtaining of carriage, or the provision of supplies, or the preparations for facilitating the march, or any or all of these objects, as the case may be: and thereupon the provisions aforesaid of the Regulations aforesaid shall apply in the same manner as is in Section IV of this Act provided.

Operation of certain provisions of Regulation XI. 1806 to cease, except in the cases provided for in the two preceding Sections.

VI. Except in the cases provided for by Sections IV and V of this Act, the provisions of Sections III, IV, VI, and VII of Regulation XI of 1806, and of Regulation VI of 1825 of the aforesaid Code, shall cease to have any force or effect.

Rates of hire to be paid for carriage impressed or supplies provided under this Act.

VII. When carriage is impressed, or supplies of provisions and other articles are provided in the manner authorized by Section IV or Section V of this Act, such carriage, provisions, and other articles shall be paid for by the Civil Officer concerned at double the common rates of hire and prices current at the time and place. And in the case of carriage, the carts, cattle, boats, boatmen, or bearers shall be paid for from the day on which they are impressed; and the pay shall be the same for days on which the carriage is stationary as for the days on which it is in motion. And where it is customary to charge back-hire, such back-hire also shall be charged at double the current rate of the time and place. Impressed land-carriage shall never, unless when it is unavoidable, be retained beyond the first halting place without the jurisdiction of the Civil Officer under whose authority it is impressed. Whenever land-carriage so impressed is retained, otherwise than by agreement, beyond the District in which it was impressed, a treble instead of a double rate of hire shall be paid for the time during which it may be so retained.

Collector to settle amount of hire, &c. in cases of dispute, and to fix the greatest weight to be carried by each cart, &c.

VIII. In all cases of dispute, the Collector of the District shall settle the amount of hire and other sums due, according to the last preceding Section. And in regard to carriage of all descriptions, the Collector shall fix beforehand the greatest weight to be carried by each cart, boat man, or beast employed; which shall in no case exceed the loads commonly so carried according to the means of conveyance. If this load is exceeded, notwithstanding the remonstrance of the party aggrieved, a day's extra rate of hire, according to the common rate of the time and place, shall be paid to the party so aggrieved, for every day on which the load was in excess, by the Civil Officer concerned.

Extra rate of hire in cases of excess-load

Collectors to depute proper Native Officers to accompany the troops through their Districts.

IX. When a Collector issues an order under Section IV or Section V of this Act, he shall be held strictly responsible for the selection of a proper person as the creditable Native Officer whom he is required by Section III Regulation XI of 1806 to depute to accompany the troops through his jurisdiction. The Native Officer so deputed shall be paid in no case at a rate of less than one Rupee a day, commencing on the day of his first employment, and continuing to the time of his discharge, with such travelling allowance as may be authorized for Revenue Officers of his class. When more than one Regiment moves in a body, there shall be one such Officer deputed for each Regiment, or part of a Regiment so moving. It shall be a part of the duty of such Officer to make such payments as he may be authorized by the Collector to make; to take care that the loads fixed by the Collector are in no case exceeded; and to hear all complaints made by the men impressed for carriage, and to redress them, when well founded, if he can; or otherwise to report them to the Military Officer in charge of the baggage or to the Officer commanding the troops, and finally, if not then redressed, to the Collector.

Territorial scope of Act.

X. This Act shall extend to all the Districts of the Presidency of Fort William in Bengal; and to all other Provinces under the administration of the Lieutenant-Governor of Agra, or the Lieutenant-Governor of Bengal; and to all Provinces under the immediate administration of the Governor General of India in Council; and this Act shall commence to have effect on and from the

Commencement of Act.

day of 1857.

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 423.

Fort William, Home Department,

The 27th February 1857.

Notification.—Messrs. F. G. Teale, N. R. Cumberledge, T. R. M. Bence, A. Scott, J. S. Harris, and R. S. H. Haldane appointed by the Hon'ble the Court of Directors as Assistants in the Telegraph Department, reported their arrival in Calcutta on the 13th instant.

CECIL BEADON,
Secy. to the Govt. of India.

No. 914.

Fort William, Foreign Department,

The 27th February 1857.

The Governor General in Council is pleased to recognize the appointment of Senhar José d'Almeida as Consul for Brazil at Singapore.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 25.

Fort William, Public Works Department,

PUBLIC.

The 27th February 1857.

POSTING AND TRANSFER.

Gunner L. Clerry, Assistant Overseer, is transferred from the Lahore and Ferozepore Road and posted to the Nagpore Province, in place of Corporal T. F. McCarthy, who has not joined.

W. E. BAKER, *Lieut.-Col.,*

Secy. to the Govt. of India.

No. 270.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 16th February 1857.—Major J. Butler to officiate as Deputy Commissioner of Assam.

The 20th February 1857.—Mr. A. V. Palmer to officiate as Magistrate of Nuddea.

The 24th February 1857.—Mr. R. L. Mangles to be Assistant to the Magistrate and the Collector of Patna.

Mr. W. V. G. Tayler to be Assistant to the Magistrate and the Collector of Jessore.

Mr. J. H. Ravenshaw to be Register of Deeds at Furreedpore.

The 25th February 1857.—The Reverend R. B. Burney to officiate as Chaplain of St. Paul's Cathedral.

Leave of Absence.—The 16th February 1857.—Major H. Vetch, Deputy Commissioner of Assam, for two months, on Medical certificate, under the Rules applicable to Military Officers in Staff employ, preparatory to applying for Furlough to proceed to Europe

The 17th February 1857.—Mr. G. N. Cheek, Civil Assistant Surgeon of Bancoorah, for one month and three days, under the Rules applicable to Military Officers in Staff employ, in extension of the leave granted to him on the 11th of September last.

The 20th February 1857.—Mr. A J. Elliot, Magistrate of Nuddea, for two months, under Section XII. of the revised Absentee Rules.

Baboo Ramnarain Samoodah, Deputy Collector, for two months, on Medical certificate, under Clause 2, Section V. of the Uncovenanted Absentee Rules, in extension of the leave granted to him on the 10th ultimo.

The 24th February 1857.—Mr. A. C. Barnard, Assistant to the Magistrate and the Collector of Sylhet, for three months, under Section XIV. of the revised Absentee Rules.

Mr. C. E. Lance, Magistrate of Mymensing, for one month, under Section XII. of the revised Absentee Rules, making over charge of his Office to the Deputy Magistrate, Mr. H. S. Porter.

The 25th February 1857.—The Reverend F. W. Vaux, Assistant Chaplain, for fifteen months, on Medical certificate, under Section XIII. of the Military Furlough Rules of 17th November 1854.

The 26th February 1857.—Mr. J. Pontet, Deputy Collector of Bhaugulpore, for one month, under Section VI. of the Uncovenanted Absentee Rules.

Notification.—The 16th February 1857.—Mr. R. L. Mangles, of the Civil Service, reported his return to the Presidency on the 13th instant, by the Steam-ship *Alma.*

E. H. LUSHINGTON,

In charge of the Office of the Secretary to the Govt. of Bengal at the Presidency.

ERRATUM.—In the *Calcutta Gazette* of the 21st instant, in Orders by the Lieutenant Governor of Bengal, 1st line, page 332, *for* "10th February 1857," *read* "10th December 1856."

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 351 A. of 1857.

Judicial Department,

Head Quarters, the 20th February 1857.

Leave of Absence.—Preparatory-leave for three months to reach Bombay, for the purpose of applying for permission to visit Europe on Sick certificate, under the Military Rules, is granted, from the 10th February 1857, to Captain A. G. Davidson, 29th Regiment M. N. I., 1st Assistant to the Commissioner of Ajmere.

Appointments.—Lieutenant C. K. M. Walter, 73rd Regiment Native Infantry, to officiate as 1st Assistant to the Commissioner of Ajmere.

No. 359 A. of 1857.

The 21st February 1857.

Mr. F. B. Outram, Assistant in the Delhie Division, is transferred as an Assistant to the Meerut Division.

No. 360 A. of 1857.

Mr. C. W. Aitchinson to be an Assistant in the Delhie Division.

C. B. THORNHILL,

Offg. Secy. to Govt., N. W. P.

Judicial Department,

Agra, the 21st February 1857.

Notification.—The Jawud Neemuch District is to be henceforth designated the "Neemuch District," and the title of the Superintendent altered accordingly,

R. C. OLDFIELD,

Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 25th February 1857.

No. 315 *of* 1857.—The following Notification, from the Public Works Department, is published in General Orders :

No. 24, *dated* 24*th February* 1857.—The Right Hon'ble the Governor General in Council is pleased to notify, that from the 1st May next, all Pay Bills for the regular fixed Establishments of the Department of Public Works, (other than those which are audited by the Civil Auditors under existing Rules which are not to be affected by this Notification), shall be submitted for previous audit to the Chief Engineers of the several branches of the Department, and that no disbursement shall, under any circumstances, take place on account of salaries of such Establishments otherwise than on authority of Bills thus previously audited, and then only on or after the date fixed for the payment of the salaries of the other Civil Departments.

No. 316 *of* 1857.—The following Notification, issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, is published in General Orders :

No. 740, *dated* 19*th February* 1857.—The unexpired portion of the leave of absence, for three months, granted in Orders of the 23rd ultimo, No. 162 A., to Civil Assistant Surgeon T. Atchison, of Goruckpore, is cancelled from the 10th instant, or the date of sailing of the Steamer *Bengal.*

Appointment.—Assistant Surgeon A. Garden, M. D., to officiate as Civil Assistant Surgeon of Goruckpore, from the 28th proximo, during the absence, on leave, of Doctor T. Atchison, or till further orders.

No. 317 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment:

OUDE IRREGULAR FORCE.

Reserve Company of Artillery.

Lieutenant L. F. C. Thomas, of the Madras Artillery, to do duty.

Fort William, 26th February 1857.

No. 318 *of* 1857.—The Regimental Order issued to the 3rd Regiment of Punjaub Cavalry, dated 17th December 1856, directing Lieutenant J. Watson, 2nd in Command, on his joining the Head Quarters of the Regiment to conduct also the duties of Adjutant until further orders, is confirmed.

No. 319 *of* 1857.—The Order issued on the 22nd January 1857, by the Officer Commanding at Mullaon directing Assistant Surgeon C. Lowdell to remain temporarily in Medical Charge of the 10th Regiment Oude Irregular Infantry, Detachment 41st Regiment Native Infantry, and Civil Station and Jail at that Station until further orders, is confirmed.

No. 320 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to direct that the following paras. of a Military letter from the Hon'ble the Court of Directors, to the Government of India, No. 6, dated 2nd January 1857, be published in General Orders :

Letter dated 5th September 1856, *No.* 292

Correspondence connected with an application from Lieutenant E. S. Whish, 10th Native Infantry, to be transferred to the Invalid Establishment.

Para. 14. It appears that Lieutenant E. S. Whish, 10th Native Infantry, was pronounced to be unfit for the duties of a Military Officer by a Medical Committee at Darjeeling on the 5th February 1856, seven days prior to the date of the General Order prohibiting further transfers to the Invalids, pending the receipt of our orders regarding that Establishment. Had he applied at once, he would have been transferred to the Invalids ; but as he delayed his application till the 9th July, you have considered it best to refer the matter for our orders.

15. Under these circumstances, we authorize you to comply with Lieutenant Whish's application.

Lieutenant E. S. Whish, of the 10th Regiment Native Infantry, is transferred to the Invalid Establishment, with effect from the 9th of July 1856.

No. 321 *of* 1857.—ERRATA.—In Government General Order, No. 1516, of the 5th December 1856, publishing promotions in the Pegu Light Infantry Battalion, for Jemadar "Jhonkya" *read* Jemadar *Thoukya* ; for Havildar "Mouny Zeit" *read* Havildar *Moungyeit* ; for Havildar "Jumbee" *read* Havildar *Tumbee.* Order Books to be corrected accordingly.

No. 322 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointments :

HYDERABAD CONTINGENT.

5th Infantry.

Lieutenant E. M. Hare, of the 28th Regiment Madras Native Infantry, 2nd in Command, to officiate as Commandant, during the absence, on leave, of Captain Hare, or until further orders.

Lieutenant R. K. Macquoid, of the 13th Regiment Madras Native Infantry, Adjutant, to officiate as 2nd in Command, *vice* Lieutenant Hare.

Lieutenant F. Samwell, of the 6th Regiment Madras Native Infantry, to officiate as Adjutant, *vice* Lieutenant Macquoid.

No. 323 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on sick certificate:

Senior Surgeon John Grant, of the Medical Department, Superintending Surgeon of the Agra Circle ...	For fifteen months, under the new Regulations.

No. 324 *of* 1857.—ERRATUM.—In Government General Order No. 1366, of the 4th November 1856, admitting certain gentlemen to the Service as Cadets of Cavalry and Infantry on this Establishment, for Mr. William Robert "Wandby," *read* Waudby. Order Books to be corrected accordingly.

Fort William, 27th February 1857.

No. 325 *of* 1857.—In the General Orders issued on the 25th July last, the Government of India gave notice that it would not, after the 1st September 1856, accept the services of any Native Recruit for the Regular Army of Bengal and for a Corps of Irregular Cavalry, unless at the time of his enlistment he distinctly undertook to serve beyond Sea, whether within the Territories of the Company or beyond them.

On this Order being made known to the 1st Regiment of Irregular Cavalry, the Native Officers, Non-Commissioned Officers, and men, of their own free will, expressed their readiness to cross the Seas, and to serve in every clime and country, wherever the exigencies of the State might demand, submitting a petition to that effect, to which the Seal of every man present, 473 in all, is attached.

In like manner, the 13th Regiment of Irregular Cavalry have expressed, in a Memorial, and by the unanimous declaration of the Officers, Non-Commissioned Officers, and men at Regimental Head-quarters, their willingness to undertake general service wherever the Government of India may please to send them, either now or at any future time.

The Right Honorable the Governor General in Council desires to express the great satisfaction with which the Government of India has received these offers of unrestricted service. The public spirit evinced by the 1st and 13th Regiments of Irregular Cavalry calls for the marked thanks of the Government of India, and the Governor General in Council directs that these thanks may be publicly conveyed to the Officers, Non-Commissioned Officers, and men of those Regiments, and recorded in General Orders.

No. 326 *of* 1857.—The services of Assistant Surgeon A. C. C. DeRenzy, Medical Store-keeper at Rangoon, are placed at the disposal of His Excellency the Commander-in-Chief, in consequence of the withdrawal of the Bengal Troops from Pegu.

No. 327 *of* 1857.—ERRATUM.—In Government General Order No. 150, of the 27th January 1857, admitting Mr. Bushman to the Service as an Assistant Surgeon on this Establishment, for Mr. Frederick Bushman *read* Mr. Frederick Christian Bushman. Order Books to be corrected accordingly.

No. 328 *of* 1857.—Surgeon Robert Hamilton Irvine, M. D., of the Medical Department, is allowed leave of absence, from the 2nd November last, to visit Bombay, preparatory to applying for leave of absence, on sick certificate, to Europe, under the new Regulations.

No. 329 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe, on furlough, on private affairs:

Captain Charles Powlett Lane, of the 6th Regiment Light Cavalry ...	For three years, under the old Regulations.
Captain Peter Alexander Young, of the 3rd Regiment Native Infantry ...	For three years, under the old Regulations.
Assistant Surgeon Thomas Hastings, Civil, East Burdwan ...	For eighteen months, under the new Regulations.

No. 330 *of* 1857.—The Right Honorable the Governor General in Council is pleased to direct, that the whole of the regular Troops serving in Oude, shall be placed under the Command of the Brigadier Commanding at Lucknow, under the designation of the Oude Brigade.

This arrangement to take effect from the 1st instant, on which date Brigadier F. Wheler, Commanding the Oude Field Force, made over the Command of that Force to the Officer Commanding at Lucknow.

The Office of Brigade Major to the Oude Field Force, and all special Appointments connected with that Force, will cease from the date of receipt of this Order at Lucknow.

R. J. H. BIRCH, *Colonel,*

Secy. to the Govt. of India,

in the Mily. Dept.

Opium Notification.

NOTICE is hereby given, that the third Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall, on Friday, the 13th March 1857, at 11 A. M., and will comprize 3,655 Chests, *viz.*:

	Chests.
Behar Opium	2,540
Benares ditto	1,115
Total Chests...	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 18th and 28th March 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Wednesday, the 18th March 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Saturday, the 28th March 1857.

4. In addition to the quantity above advertized for Sale, the following quantities, more or less of Behar and Benares Opium of 1855-56, will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 13th April 1857	2540	1115	3655
On or about Monday, 11th May „	2540	1115	3655
On or about Wednesday, 10th June „	2540	1115	3655
On or about Friday, 10th July „	2540	1115	3655
On or about Monday, 10th August „	2540	1115	3655
On or about Friday, 4th September „	2540	1115	3655
On or about Monday, 5th October „	2540	1115	3655
On or about Thursday, 12th Nov. „	2540	1115	3655
On or about Friday, 4th December „	2559	1141	3700
	22870	10061	32940

By order of the Board of Revenue,

EDW. LUSHINGTON,
Junior Secretary.

FORT WILLIAM,
The 26th February 1857.

Notice.

THE General Treasury will be closed on Tuesday, the 10th, Wednesday, the 11th, and Thursday, the 12th Proximo, on account of the Hindoo Holidays, Dole Jattra.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 21st February 1857.

Notification.

No. 45.

Rao Roop Sing Bahadoor, Moonsiff and Native Assistant, received charge of the Sumbulpore Treasury on the 9th instant.

Mr. T. A. Donough, Uncovenanted Deputy Collector of Rungpore, received charge of the Treasury of that District on the 19th instant.

G. G. MACKINTOSH,
Accountant to the Government of Bengal.

FORT WILLIAM;
Office of Accountant Government of Bengal,
The 27th February 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Half a Second (½s.) before Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.*,
Town Major.

FORT WILLIAM,
The 24th February 1857.

SEALED TENDERS will be received by the Civil Architect, in his Office, in Calcutta, No 42, Park Street, up to 4 P. M, on Monday 2nd March 1857, for the purchase and removal of the Materials composing the Residence of the Governor of the Great Jail at Calcutta.

Time for Execution—6 Weeks.

The Sketch of the Building can be seen, and further information obtained on personal application at the Civil Architect's Office.

A deposit in Cash of 500 Rupees is required with each Tender, returnable on rejection of Tender or after completion of Contract, or in the event of non-fulfilment within the stated time to be at the disposal of the Civil Architect to cover expences in completing the removal of Materials and Rubbish.

C. B. YOUNG, *Captain*,
Civil Architect.

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on, and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.*:

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs one cowrie, and one krantee share of the sum of Company's Rupees nine thousand and seventy-two

being the entire sudder jummah or Government Revenue chargeable on the said Estate ; that is, Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Ramongachee, Juggutdispore, Dhanookollah, Jonadhunpore, Ramnaathpore, Hurrydebpore, Bhadagovindpore, Joynogare, Earnogore, Malloopore, Buddinauthpore, and Khenpookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Pooalee, Chuckhinda, and Nooabad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *viz.* Nij Kamdauree, Booraul, Rajarampore, Kashorepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgunge, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calcutta, three Mouzahs or Kismuts, *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No. 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs ; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the Indigo Factory is built, and also for the Nejabad lands thereto belonging ; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3.—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,

H. SWINHOE, *Attorney.* *Master.*

CALCUTTA SUPREME COURT ; *Master's Office, The 13th February* 1857.

Sheriff's Office, the 28th February 1857.

NOTICE is hereby given, that on Thursday, the Twenty sixth day of March next, at the hour of 12 o'clock, the Sheriff of Calcutta will put up to public sale at the Court-house by virtue of two several writs of *Fieri Facias* in his hands against the effects of Rajah Ojoodharam Khawn.

The right, title, and interest of the said Rajah Ojoodharam Khawn, of, in, and to the following landed property, *viz.* :

1. A three-storied brick-built Bytuckhannah house, together with a piece of land thereunto belonging, containing, by estimation, five cottahs, more or less, situate at Narrajole, in Pergunnah Kotobepore, and in the Zillah of Midnapore.

2. Also a piece of garden ground commonly called Lunka Gerer Bagan, with a tank and several trees growing thereon, containing, by estimation, fifteen biggahs, more or less, situate at the same place.

3. Also a piece of garden ground commonly called Chappabagan, with a lower-roomed brick built Bytuckhannah, one tank, and several trees growing thereon, containing, by estimation, five biggahs, more or less, situate at the same place.

4. Also a Talook, Lot Hurryrampore, No. 293, consisting of eighty Mouzahs, situate in Pergunnah Chatooah and in the Zillah aforesaid ; the sudder maulgoozaree of which is Company's Rupees 25,920-3-0-9-3

5. Also a moiety or half part or share of and in a Talook, Lot No. 259, called Ghosepore Kanchuntollah, consisting of eight Mouzahs, *viz.* Mouzah Ghosepore, Mouzah Kanchuntollah, Mouzah Kasseebaur, Mouzah Mugrah, Kismut Kanchuntollah, Mouzah Moieshadoho, Mouzah Soreesha Khollah, and Mouzah Audolla situate at Midnapore, in the Zillah aforesaid ; the sudder Maulgoozaree of which is Company's Rupees 3,770-11-0 9-2.

6. Also a talook, Lot No. 20, called Poorboo Cuggernathpore, consisting of five Mouzahs, *viz.* Mouzah Ausha Bajjahjullah, Mouzah Baur Harrosunkur, Mouzah Baur Hurrosunker Ranee Chuck, Mouzah Bajjahmomah Poolish, and Mouzah Juggernathpore, situate at Poorboo Juggernathpore, in Pergunnah Kasseejorrah and in the zillah aforesaid ; the sudder maulgoozaree of which is Company's Rupees 2,309-5-0.

7. And also a Talook, Lot No. 263, called Sonatickree, consisting of four Mouzahs, *viz.* Mouzah Sonatickree, Mouzah Jorepattah, Mouzah Ojoodhea Baur, and Mouzah Doondabaur situate in Pergunnah Sonatickree in the Zillah aforesaid ; the sudder maulgoozaree of which is Company's Rupees 949-12 0-2.

The Conditions of Sale may be known by applying at the Sheriff's Office.

H. E. BRADDON,

Sheriff.

Court for the relief of Insolvent Debtors at Calcutta.

In the matter of Gooroochurn Sein, late of Toolah Bazar, in Calcutta, lately carrying on business as a Merchant and Trader.

On Wednesday, the 25th day of February instant, it was, on the petition of Kaisree Chund, Kissen Chund, and Hurruck Chund, creditors of the said Insolvent, adjudged that the said Gooroochurn Sein hath committed an act of Insolvency under the provisions of the Act XI. Vic. Cap. XXI. and by another order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Paliologus, *Attorney.*

In the matter of Edwin Severs Raban, of Mirzapore Lane, in Calcutta, a Section-writer in the Home Department, an Insolvent.

On Monday, the 23rd day of February instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of Edwin Severs Raban, of Mirzapore Lane, in Calautta, a Section-writer in the Home Department, an Insolvent.

Notice, that the petition of the said Insolvent seeking the benefit of the Act XI. Vic. Cap. XXI. was filed in the Office of the Chief Clerk on the 23rd day of February instant, and by an order of the same date the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

Chief Clerk's Office, 26th February 1857.

In the matter of Gooroochurn Sein, late of Toolah Bazar, in Calcutta, lately carrying on business as a Merchant and Trader.

On Tuesday, the 24th day of February instant, it was, on the petition of Gossain Dalolepoory and Duljeetpoory, Creditors of the said Insolvent, adjudged that the said Gooroochurn Sein hath committed an act of Insolvency under the provisions of the Act XI. Vic. Cap. XXI., and by another order of same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Paul and Carruthers, *Attorneys.*

In the matter of Avetick Galstin, carrying on business at Pollock Street, in Calcutta, as Merchant and Agent, under the respective names and firms of A. Galstin, A. Galstin & Co., and Galstin & Co., an Insolvent.

Notice, that the petition of the said Insolvent seeking the benefit of the Act XI. Vic. Cap. XXI., was filed in the Office of the Chief Clerk on the 25th day of February instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Shircore, *Attorney.*

Chief Clerk's Office, 27th February 1857.

Report showing the smallest Depth of Water in the Bhaugiruttee, Jellinghee, and Matabangah Rivers on the 15th February 1857.

Names of Rivers.	*Smallest Depth of Water.* F.	I.	*Where Shallowest.*
Bhaugiruttee River.			
At its entrance ...	0	0	Closed.
Below the entrance,...	0	0	
From thence to Jungypore ...	0	0	
From Jungypore to Sadduckbaugh...	0	7	At Sampore.
From Sadduckbaugh to Berhampore ...	1	6	„ Berhampore.
From Berhampore to Cutwa ...	1	6	„ Soojahpore.
And from Cutwa to Nuddea ...	1	3	„ Boladangah.
Jellinghee River.			
At its entrance ..			Closed.
From thence to Bausmarree ...	0	0	
From Bausmarree to Teeahkattah	0	2	Above Koobleeh.
From Teeahkattah to Sonatullah ...	1	2	At Radhanugghur.
And from Sonatullah to Moisgunge	1	9	„ Sonatullah.
*Matabangah River.**			
At its entrance ...	3	0	
From thence to Haut Boleah ...	2	9	At Sodasibpore.
	2	6	„ Totarparrah
	3	6	„ Kaddypore.
From Haut Boleah to Katchikattah ...	4	0	„ Boleah Entrance.
	1	8	„ Bhaugberriah.
	2	0	„ Bansberriah.
	1	11	Below ditto.
	2	0	At Gyegattah.
	1	11	„ Asmancolly.
	1	10	„ Terronuillah
From Katchikattah to Kishengunge	1	11	Below Boalmarree
	1	11	At Taltullah.
	2	3	Below Soobulpore.
	2	6	At Doorgahpore.
And from Kishengunge to Seebpore	3	0	Hurdum.

Height of water on Gauge at Berhampore, on the 15th February 1857, + 1 Foot ¼ Inch.

H. T. FORBES, *Lieut.,*

Supdt., Nuddea Rivers.

BERHAMPORE,
23rd February 1857.

* Since last Report, the Channel of this River, at Sodasibpore has been deepened by the construction of Bandahls and by Kodalies from 2' 6" to 2' 9", at Kaddypore from 2' 3" to 6", and at Bansberriah from 1' 3" to 2".

Notice.

HAVING been appointed Curator to the Estate of the late Mr. Charles Glas, a Pleader in the Sudder Dewanny Adawlut, by an order of the Judge of the 24-Pergunnahs, dated 10th Instant, under Act XIX. of 1841, Parties indebted are requested to make payment, and Claimants to send in their claims without delay.

A. J. STURMER,
Curator.

CALCUTTA.
12th February 1857.

Assam Company.

GENERAL MEETING OF PROPRIETORS.

NOTICE is hereby given that a General Meeting of Proprietors will be held at the Company's Office, on Saturday, the 28th Instant, at the hour of 3 o'Clock in the afternoon, when the Report of the Directors and the Accounts for the past year will be submitted.

The Accounts will be open for the inspection of Proprietors on and after the 21st Instant.

By order of the Directors,

T. E. CARTER,
Depy. Secretary.

No. 1, BARRETTO'S LANE,
Calcutta, 20th February 1857.

India General Steam Navigation Company.

NOTICE is hereby given, that the Half-Yearly General Meeting of Shareholders of the above Company, will be held at the Company's Office, on Monday, the 9th of March next, at 3 P. M., for passing the Accounts and declaring a Dividend.

By order of the Directors,

J. F. STACE,
Secretary.

CALCUTTA,
The 7th February 1857.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND CO., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.
THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND CO., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

Notice to Rate-payers.

WHEREAS the Municipal Commissioners for the Town of Calcutta, under provisions of Act XXV. of 1856, have completed the Valuation of Houses, Buildings, and Lands for the year 1857, the book containing the said Valuation and Assessment may be inspected at their Office by Owners, Occupiers, Agents, or Trustees of property included in the Assessment; AND the Municipal Commissioners will proceed to revise the said Valuation and Assessment on the 17th day of March next at noon. All complaints against such Valuation and Assessment shall be made on or before the day of which notice is hereby given, and all complaints so made, shall be enquired into by the Commissioners, and such amendments shall thereupon be made in the said book, as to the Commissioners shall appear just and proper.

By order of the Municipal Commissioners,

JOHN M. VOSS,
Assessor.

MUNICIPAL COMMR.'S OFFICE,
Calcutta, 27th Feb. 1857.

Statement of the Affairs of the Bank of Bengal for the Week ending 25th February 1857.

LIABILITIES.		ASSETS.	
Proprietors' Capital	1,07,00,000 0 0	Government Securities	17,23,874 13 10
Reserve Fund	4,02,166 15 7	Dues from Government	2,03,735 4 8
Current Accounts	58,18,192 7 7	Mint Certificates, Undue	18,16 302 5 5
Cash Credits Undrawn	17,13,166 13 9	Cash	81,12,753 8 5
Other Claims	74,677 8 4	Loans on Deposit of Securities ...	1,59,59,279 12 4
Bank Notes and Post Bills	1,55,79,800 15 5	Accounts of Credit on ditto	-
		Government Bills Discounted	25,60,406 13 2
		Mercantile Bills ditto	24,63,300 11 1
		Dead Stock	12,78,633 10 7
			1,79,717 13 2
Co.'s Rs.....	3,42,88,004 12 8	Co.'s Rs....	3,42,88,004 12 8

Published by order of the Directors,

J. B. PLUMB.
Secretary and Treasurer.

C. N. COOKE,
Accountant.

The London and Eastern Banking Corporation.

INCORPORATED BY ROYAL CHARTER.

Exchange on London.

		s.	d.	
At 6 months' sight	...	2	1⅞	per Re.
At 3 „ „	...	2	1⅞	„
At 2 „ „	...	2	1¼	„
At 1 „ „	...	2	1⅛	„
At sight	...	2	1	„
On Scotland, at 1 month's sight		2	1	„
On ditto, at sight	...	2	0⅞	„

The Corporation receive for safe custody Government or other Securities, realize and remit Dividends, Interests, and Proceeds of Sale, and grant Drafts on Bombay, Simla, Agra, Delhi, and Lucknow.

Interest Deposit Rules.

Interest is allowed on sums deposited with the Corporation as follows; *viz.* :—

For 12 months certain, and subject to two months' notice of withdrawal (open to Shareholders only)...	7 *per Cent. per Anm.*
For 6 months certain, and 45 days' notice of withdrawal ...	6 *per Cent. per Anm.*
For 3 months certain, and 30 days' notice of withdrawal ...	5 *per Cent. per Anm.*
On Home Remittance Deposits payable on demand by Bills on London ...	5 *per Cent. per Anm.*
On Floating Deposits withdrawable on demand ...	2 *per Cent. per Anm.*

Interest is credited to Deposit Accounts half-yearly.

No Interest is allowed on Deposits under 500 Rupees.

No Cheques cashed nor money received under 50 Rupees.

Commission

On Purchase or Sale of Government or other Securities ...	*One-Quarter per Cent.*
On Collection of Foreign Bills, &c. ...	*One-Half per Cent.*
On realizing Interest or Dividends ...	*One-Quarter per Cent*

If the Funds realized on account of Constituents are remitted in Bills of the Corporation, no Commission will be charged.

Hours of business from 10 *to* 3 *o'clock, except on Saturdays, when the Bank closes at* 1 *p. m.*

J. MACKELLAR,

Manager.

LONDON & EASTERN BANKING CORPORATION,
1st January 1857.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge.

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

LOST.—A Half of a Bank of Bengal Note, No. 14654, for Company's Rupees 10, the payment of which has been stopped at the Bank.

LOST.—First-half of a Bank of Bengal Note, No. 10671, for Co.'s Rs. 50, the payment of which has been stopped at the Bank.

Post Office Notifications.

No. 1987.

Overland Mail.

The Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, and Aden, per P. and O. Co.'s Steamer *Alma*, will be closed at this Office on Saturday, the 7th Proximo.

1*st*.—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd*.—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd*.—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th*.—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th*.—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*.—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th*.—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th*.—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th*.—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th*.—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th*.—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th*.—Only one paper can be sent in one cover.

C. K. Dove,
Deputy Post-master General.

Fort William:
General Post Office.
The 24th February 1857.

No. 7421.

Notice.

Mr. T Garrett having this day received charge of the Office of the Deputy Post Master General of Calcutta, the public are requested to communicate with him direct on all matters connected with the routine business of the Calcutta General Post Office. All complaints against that Office or any other Post Office within the Bengal and Pegu Provinces are to be made to me direct.

C. K. Dove,
Offg. Post-master General of Bengal.

Calcutta;
Post Master General's Office,
The 26th February 1857.

Packets for the reception of Letters by the following Ships are open at this Office :—

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Steamer Manchester	Messrs. Apcar and Co.	28th Feb. 1857 ...	Rangoon & Moulmein	Akyab.	
Steamer Shanghae	P. & O. S. N. Company.	Ditto ..	Penang Singapore, and Hong-Kong.		
Queen ...	Messrs. Gillanders, Arbuthnot and Co. ..	6th March ..	London.		
Marlborough ...	Ditto ..	7th ditto ..	Ditto.		
Prince of Wales ...	Messrs. Allan, Deffell and Co. ..	7th ditto ..	Ditto.		
Alfred ..	Messrs. Gisborne and Co ...	7th ditto ..	Ditto.		
Steamer Alma ...	P. & O. S. N. Company.	9th ditto ..	Suez	Madras, Ceylon & Aden.	
Steamer Scotland ...	Messrs. Jardine, Skinner and Co. ..	15th ditto ..	London	Madras, Ceylon, Mauritius, Cape, St. Helena, & Ascension.	
Benares ...	Messrs. May, Pickford and Co. ..	In a few days ..	Mauritius.		

CALCUTTA ;
General Post Office,
The 27th February 1857.

T. GARRETT
Offg. Deputy Post-master General.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the "* CALCUTTA GAZETTE" OFFICE, *No.* 5½, *Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 28, 1857.

Legislative Council.

The 7th February 1857.

THE following Bill was read a second time in the Legislative Council on the 7th February 1857, and was referred to a Select Committee, who are to report thereon after the 21st of May next :—

A Bill for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Bombay.

Preamble.

WHEREAS it is expedient to simplify the Procedure of the Civil Courts of the East India Company in Presidency of Bombay as are subject to the General Regulations of the Bombay Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

The Sudder Court at Bombay shall possess the appellate and other Civil jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CIVIL COURTS SUBORDINATE TO THE SUDDER COURT.

Grades of District Judges.

1. There shall be three grades of Judges in each zillah or district :—

Zillah Judges.
Principal Sudder Ameens.
Moonsiffs.

Their Courts, how to be denominated.

2. The Courts of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be denominated after the zillah, or city, or division in which they are respectively established.

Their appointment, suspension, and removal.

3. The appointment, suspension, and removal of the Zillah Judges, Principal Sudder Ameens, and Moonsiffs shall be regulated by such rules and orders as the Governor General in Council shall, from time to time, pass.

Declaration on entering upon office.

4. Each Civil Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it :

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

Seal.

5. Each Civil Court is to use a seal, such as shall be prescribed by the Local Government.

Ministerial officers.

6. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the zillah authorities as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to the several Civil Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor

in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Civil Courts shall make the appointments to the several offices of their respective establishments.

Civil Courts have cognizance of all suits unless specially barred.

7. The Civil Courts shall be empowered to take cognizance of all suits and complaints of a civil nature, with the exception of suits their cognizance of which is barred by any Act of Parliament, or by any Regulation of the Bombay Code, or by any Act of the Council of India.

Unless already heard and determined.

8. The Civil Courts shall not take cognizance, except in the way of appeal, or of review of judgment, of any cause which shall have been already heard and determined by a Court of competent jurisdiction between the same parties, or parties under whom the parties to the cause claim.

Government officers who are subject to the Civil Courts for official acts.

9. The Civil Courts are empowered to take cognizance of suits against collectors of the revenue and their assistants and native officers, salt agents and their assistants and native officers concerned in the manufacture of salt, opium agents and their assistants and native officers concerned in the manufacture of opium, collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, for acts done in their official capacity.

No person excepted from jurisdiction by reason of place of birth or of descent.

10. No person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

Moonsiffs, their jurisdiction.

11. The Moonsiffs shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts under the following pecuniary limitations; provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits to which their respective jurisdictions may extend:

Pecuniary limitation.

For money or other personal property not exceeding in amount or value the sum of two thousand five hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action; but any plaintiff having cause of action for debt or damages above the sum of two thousand five hundred Rupees may abandon the excess, and thereupon he shall, on proving his case, have a decree for an amount not exceeding such sum, and such decree shall be in full discharge of all demands in respect of such cause of action:

For the property or possession of land or other real property, the computed value of which shall not exceed two thousand five hundred Rupees.

Jurisdiction in cases of set-off.

12. If a defendant claim to set-off a demand against the claim of a plaintiff to an amount in excess of the ordinary jurisdiction of the Moonsiff, the Moonsiff shall, nevertheless, have authority to try the case, and shall give judgment for the recovery of any sum which upon inquiry shall appear to be due to either party.

Principal Sudder Ameens, their jurisdiction.

13. The Principal Sudder Ameen shall be empowered to receive, try, and determine suits of every description cognizable by the Civil Courts in which the amount claimed or the computed value of the property may exceed the sum of two thousand five hundred Rupees, provided the landed or other real property to which the suit may relate shall be situated, or provided in all other cases the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall dwell, or carry on business, or work for gain, within the limits of the district over which his jurisdiction may extend.

To exercise the powers of Moonsiff at the Sudder Station of the district.

14. The Principal Sudder Ameen shall further exercise the same powers as the Moonsiff within the limits of the territorial division now included in the local jurisdiction of the Moonsiff fixed at the sudder or head station of the district.

Zillah Judge, original jurisdiction.

15. The Zillah Judge shall have concurrent original jurisdiction with that of the Principal Sudder Ameen in regard to all suits above the value of two thousand five hundred Rupees; provided, however, it shall be competent to a Zillah Judge, on cause shown, to receive, try, and determine a suit within the pecuniary limitation assigned to the Moonsiff, or to direct the transfer of any suit from any Court to any other Court of equal or superior jurisdiction in his district.

Suits for real property situate within different jurisdictions of the same Zillah.

16. A suit for land or other real property situate within the limits of a single zillah, but within the jurisdiction of different Moonsiffs' Courts, may, with the previous sanction of the Judge of such zillah, be brought in any Court within the limits of which any portion of such property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court.

Suits for real property situate in different zillahs.

17. In like manner, if the property be situate within the limits of different zillah Courts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other real property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; and if the suit is brought in the Court of the Principal Sudder Ameen or Moonsiff, the application shall be submitted through the Zillah Judge to whom such Principal Sudder Ameen or Moonsiff is subordinate.

Declaratory suit.

18. No suit in any of the Civil Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be

lawful for the Court to make binding declarations of right without granting consequential relief.

19. The judicial decisions of the Courts of Justice shall be subject to revision only by the constituted Courts of appellate jurisdiction, or by themselves, under the rules of the code of procedure applicable to reviews of judgment.

By whom judicial decisions may be revised.

Chapter III.

Preliminary Rules.

1. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided, may be made by the party in person, or through a vakeel duly authorized to act on his behalf. The authority shall in all cases be in writing, and shall be filed with the proper officer of the Court. When so filed, it shall be considered to be in full force until revoked, and the revocation shall be intimated in writing to the officer; and all notices given to, or processes served on, the vakeel of either party or left at the office or ordinary residence of such vakeel, relative to the suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the vakeel represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

Parties may appear in person or by vakeel.

2. In all cases in which a party shall appear in person, and the cause shall not be decided on the day of his appearance, he shall enter his name and place of abode in a book to be kept for that purpose by the proper officer of the Court, if the Court shall determine upon his application that his place of abode is within eight miles from the Court-house by the nearest road; otherwise, he shall enter in the said book the name and place of abode of some person residing at a place which the Court shall determine to be within such distance of the Court-house, on whom he may wish that all notices or process in the cause should be served on his behalf. And all notices or process relative to the suit which may thereafter be left at the place so entered in the register, shall be deemed good service on the party, and shall be as effectual for all purposes relative to the suit as if the same had been served on the party himself in person, unless the Court shall otherwise direct. If no such entry as aforesaid shall be made in the said register, the fixing up of such notices or process in some conspicuous place in the office of the clerk or other proper officer of the Court, and also in some conspicuous place in the Court-house, shall in like manner be deemed to be good service, and shall be as effectual for all purposes relative to the suit as if such entry had been made, and the notice or process had been left at the place so entered in the register.

Party appearing in person to enter his name and address in a book.

3. When a native officer or soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending it in person, he may authorize any member of his family or any other person to conduct and manage the suit or the defence, as the case may be, in his stead. The authority shall in all cases be in writing, and shall be signed by the native officer or soldier in the presence of his commanding officer, who shall countersign the same, and it shall be filed with the proper officer of the Court. When so filed, the counter-signature of the commanding officer shall be sufficient proof that the authority was duly executed, and that the native officer or soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

Native officers or soldiers who cannot obtain leave of absence may authorize any person to appear for them;

4. Any person who may be authorized, as in the last preceding Article mentioned, by a native officer or soldier to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person in the same manner as the native officer or soldier could do if present; or he may appoint a vakeel of the Court to prosecute or defend the suit on behalf of such native officer or soldier. And all notices or process relative to the suit which may be served upon any person who shall be so authorized as aforesaid by a native officer or soldier, or upon any vakeel who shall be appointed as aforesaid by such person to act for or on behalf of such native officer or soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person or on a vakeel directly appointed by him.

Who may appear personally, or appoint vakeel.

Chapter IV.

OF A SUIT TILL FINAL DECREE.

Of the Institution of Suits.

1. All suits shall be commenced by a summons to the defendant.

Suits to commence with summons.

2. The application for a summons shall be made to the clerk or other proper officer of the Court by the party in person, or through a vakeel of the Court, duly authorized to act on his behalf, by an instrument in writing, which shall be delivered to the officer at the time of making the application.

Summons how to be applied for.

3. The application shall be accompanied by the following particulars, distinctly written in the language in ordinary use in proceedings before the Court, namely—

Particulars to be given with the application.

(1.) The name, description, and place of abode of the plaintiff.

(2.) The name, description, and place of abode of the defendant, so far as they can be ascertained.

(3.) The relief sought for, the subject of the claim, the cause of action, and when it accrued. The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of Company's Rupees due on (a bond, tumussook, hoondee, or bill of exchange, as the case may be) for the sum of Company's Rupees , bearing date the day of , and payable on the day of .

If the suit be for the price of goods sold:—Payment of Company's Rupees on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of , and the price of which became payable on the day of

If the suit be for damages for slanderous words :—

Payment of Company's Rupees on account of injury done to the plaintiff, by calling him on the day of a (thug, or thief, or as the case may be); or by causing to be published on the day of , in a newspaper entitled the (or otherwise as the case may be) the following slanderous words concerning him (stating them at length, as the case may be).

(4.) When the claim is for any property other than money, its estimated value Company's Rupees. The following are instances :

If the suit be for a Zemindary, or share in a Zemindary :—Possession of a Zemindary, or of annas gundas share in a Zemindary, called situate in the zillah of , the Sudder Jummah of which is Company's Rupees , and estimated value Company's Rupees , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so,) on the day of ; or to which the plaintiff became entitled by inheritance from , on or about the day of .

(5.) When the claim is for a declaration of right, or the fulfilment of a duty in which the plaintiff is interested, or that the defendant be restrained from the committal of any breach of a contract or other injury to the plaintiff, or for anything not susceptible of pecuniary valuation, it shall be necessary to specify the estimated value of any property or any sum of money by way of damages.

(6.) In all suits by or against the Government, or one of its officers in his official capacity, or the East India Company, or any other Corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of ," or otherwise as the case may be, or "The East India Company," or name of the Corporation or name or names of the Officer or Trustees of the Company, shall be inserted in Nos. (1) and (2,) instead of the name and description of the Plaintiff or Defendant. But in all other cases, it shall be necessary to specify the names of all the parties.

Application to be rejected if the claim is beyond the jurisdiction of the Court.

4. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the officer shall refuse to receive the application.

Reference to be made to the Judge in a suit for property in different jurisdictions.

5. If the suit be for land or other real property situate partly within the jurisdiction of the Court, and partly within the jurisdiction of some other Court or Courts, the officer shall submit the application for the order of the Judge.

When the claim is within the Court's jurisdiction, the officer shall enter the particulars in a register.

6. If the amount or estimated value of the claim, as stated by the plaintiff, be within the jurisdiction of the Court, the above particulars shall be entered by the Officer in a book to be kept for the purpose, and called the Register of Civil Suits, and the entries shall be numbered in every year according to the order in which the application shall be made.

Form of the register.

7. The register shall be kept in the form contained in the Schedule (A.) hereunto annexed ; and a certified copy of the register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Document of debt should be shown to the officer.

8. When the plaintiff's demand is founded on any instrument in writing, as constituting or acknowledging the demand, such as a bond, tumussook, bill of exchange, hoondee, ikrar, or acknowledgement, the same shall be produced and shown to the officer at the time of applying for the summons, and a copy of the instrument shall be delivered to him at the same time, for the purpose of being served with the summons on the defendant ; and if such instrument shall not be produced, it shall not be received in evidence on behalf of the plaintiff at the hearing or trial of the cause, without the sanction of the Court. When there is more than one defendant, a copy of the instrument for each defendant shall be delivered to the officer ; unless all the defendants are members of one joint and undivided Hindoo family, in which case one copy of the instrument will be sufficient.

Summons may be for settlement of issues, or final disposal.

9. The person applying to the officer for a summons shall state, at the time of his application, whether he requires a summons for the first hearing and settlement of issues or for the final disposal of the cause.

Of Summoning the Defendant.

Form of summons.

10. The summons shall be in the following form, or to the following effect :—

No. of Suit

In the Court of the of holden at

Plaintiff.

Defendant.

[Name, description, and address of defendant.]

You are hereby summoned to appear at this Court on the day of at in the forenoon, to answer [name, description, and address of plaintiff,] to a claim for [here state the particulars, as in the Register referred to in Article 7 of this Chapter.]

Dated the day of

(Signature.)

Costs of summons and service

This summons must be served on or before the day of

N. B.—See notice at back.

Directions to be endorsed on summons to settle issues.

11. Special directions shall be endorsed on the summons, which, if the application be for a summons for the first hearing, and settlement of issues, shall be as follows :—

(1.) If you admit the plaintiff's claim, you must deliver your admission in writing, under your signature, to the officer of the Court, together with the costs marked on the summons, five clear days before the day for appearing to this summons ; but you may enter your admission at any time on or before the day of appearing, subject to the payment of further costs.

(2.) If you admit any part of the plaintiff's demand, and pay to the officer of the Court the amount so admitted, together with the costs, five clear days before the day of appearance, you will avoid any further costs, unless the plaintiff at the hearing shall prove a demand against you exceeding the sum so paid into Court.

(3.) If you deny the plaintiff's claim, or any part of it, you must appear on the day fixed in the summons, and be prepared to answer all questions that may be put to you by the Judge, relating to the plaintiff's demand, and your liability thereto, and to state any objections which you may have to make to the same.

(4.) You must bring all documents or instruments in writing of any description, which you may wish to produce in explanation, or as evidence of your defence to the suit, or of any counter-claim against the plaintiff which you may desire to make a set-off to his demand against you; and in particular, you must bring with you all or any instruments in writing or things which may be specified in any notice to produce that accompanies this summons, or that may be served on you within a reasonable time before your appearance thereto.

(5.) If you do not appear in person, you must employ a vakeel of the Court to appear in your stead, and must furnish him with the documents, instruments or things above referred to, and with any information that you possess in regard to the plaintiff's demand, and your own defence thereto; so as to enable him to answer for you in all respects as you could do yourself if interrogated in person. And if you fail in any of these matters, and your vakeel is unable to answer any questions that may be put to him on your behalf by the Judge, and the Judge shall be of opinion that the documents, instruments, or things referred to, are such as you ought to have produced, or that the questions put to your vakeel are such as you ought to be able, or are likely to be able, to answer, if interrogated in person, the hearing of the case will be postponed, a notice will be given to your vakeel requiring your personal appearance, and the production of the documents, instruments, or things referred to, and you will have to pay all the costs; and if you should fail to appear in obedience to such notice, judgment will be given against you by default.

(6.) If you do not appear on the day fixed in the summons, either in person or by a vakeel of the Court, judgment will be given against you by default.

Further direction on summons for final disposal of the case.

12. If the application be for a summons finally to dispose of the case, this further direction shall be endorsed thereon:—

(7.) You are required to take special notice that the day fixed in the summons for your appearing, is appointed for the final disposal of the case, and that you must be prepared to produce all your witnesses. If you fail to do so, and the Judge shall think proper to postpone the cause to another day, in consequence of your default, you will have to pay all the costs that may be incurred by the postponement. If your witnesses will not come at your request, you should apply to the officer of the Court, either in person or by vakeel, not later than the day of for subpœnas to compel their attendance.

Time for appearance on a summons to settle issues.

13. If the summons be to settle the issues, the day for the appearance of the defendant shall not be less than ten days, exclusive of the day of service and day of appearance, above the time that may be necessary for the service of the writ, such time to be computed at the rate of one day for every eight miles in a straight line that the residence of the defendant may be distant from the Court.

Time for appearance on a summons for final disposal of the case.

14. If the summons be for a final disposal of the case, the day to be fixed for the appearance of the defendant shall not be less than fifteen days (exclusive as aforesaid) above the time that may be necessary for the service of the writ, such time to be computed in the manner above mentioned.

Service of Summons on the Defendant.

Summons shall be served by the officer.

15. The writ of summons shall be delivered to the nazir or other proper officer of the Court, to be served by himself or one of his subordinates, and such officer shall be responsible for its due service.

Latest day of service to be written at foot of the summons.

16. A day on or before which the summons must be served, shall be written at the foot of the summons before delivery to the officer, and the day so to be written shall be always such as to allow the defendant the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

How service shall be made.

17. Service of the summons shall be made by exhibiting the original under the seal of the Court, and delivering or tendering a copy thereof and of the endorsements thereon, together with any notice to produce, and copies of any documents or instruments in writing that may have been delivered to the clerk, or proper officer of the Court, at the time of applying for the summons, for the purpose of being served therewith.

When there are several defendants.

18. When there are several defendants, service of the summons shall be made on each defendant, unless all the defendants are members of one joint and undivided Hindoo family; in which case sevice on any one of the defendants shall be sufficient, if made at the family dwelling-house of the joint and undivided family.

Service to be on defendant in person, or on his accredited agent.

19. Whenever it may be practicable, the service shall in all cases be on the defendant in person, unless he have an accredited agent, empowered to accept the service; in which case service on such agent shall be sufficient.

Who may be agent for this purpose.

20. Any vakeel of the Court, or any other person residing within its local jurisdiction, may be appointed an accredited agent to receive the services of summonses and all other judicial process. The appointment shall always be in writing, and shall be filed with the clerk or other proper officer of the Court to which the agent is accredited, and shall be considered to be in full force until it shall be revoked, and such revocation be recorded with the proper officer of the Court.

Accredited agents of Government.

21. The Government Pleader in each Court shall be accounted the accredited agent of the Government for the purpose of receiving services of summonses, and all other judicial process against the Government, issuing out of the Court in which he may be the pleader of Government.

If defendant cannot be found, service may be made on a member of his family.

22. When the defendant cannot be found, and has no accredited agent empowered to accept the service, it may be made on any adult member of his family residing with him.

23. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service to be endorsed on the original summons.

The person served is to be required to endorse the summons.

24. When the defendant cannot be found, and there is no agent or other person empowered to accept the service, nor any member of his family on whom the same can be served, the serving officer shall fix the copy of the summons with its endorsement, and accompanying notice and copies of documents, if any be annexed thereto, on the outer door of the defendant's dwelling-house; and if he shall have no dwelling-house in the place, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

If the summons cannot be served, it is to be returned with an endorsement of non-service.

25. The serving officer shall in all cases in which the summons has been served, endorse on the original summons the time and the manner when and how it was served.

If served, time and manner of service to be endorsed.

26. In all cases in which a summons shall be returned to the Court without having been served on the defendant, the plaintiff shall be at liberty to apply to the Court for an order to substitute some other mode of serving the summons for service in the manner above specified; and if it shall appear to the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its officer, for the purpose of avoiding the service of the summons, it shall pass an order directing that the summons may be served by fixing up copies thereof, with its endorsement and accompanying notice and copies of documents, if any be annexed thereto, upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

If the summons be returned unserved, the plaintiff may apply to the Court to substitute service.

27. Whenever service shall be substituted by order of the Court, by virtue of the power contained in the last Article, the time for the appearance of the defendant shall be enlarged, so as to allow him the full benefit of the clear days to which he may be entitled under Articles 13 and 14 of this Chapter.

When service is substituted, the time for appearance is to be enlarged.

28. If the defendant be resident within the jurisdiction of any other Court than that in which the suit may be instituted, and has no accredited agent empowered to accept the service, the summons shall be transmitted by the clerk or proper officer of the Court to the clerk or proper officer of the Court within whose jurisdiction the defendant may reside, with such enlargement of the time for appearance as the case may require. And the clerk or proper officer of the last-mentioned Court shall, upon receipt thereof, deliver the same to the nazir or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be re-transmitted to the clerk or proper officer of the Court from whence it originally issued.

How the summons is to be served when the defendant is out of the jurisdiction.

29. If the defendant be resident at some place out of the territories of the East India Company, and have no agent empowered to accept the service, and the suit be for landed or other real property, the summons may be served on any person in charge of the landed or other real property to which the suit may relate, and the service shall be as effectual for all purposes of the suit, as if the person had been duly empowered to accept it. If there shall be no person in charge of the landed or other real property to which the suit relates, on whom the summons can be served, or if the suit shall not relate to landed or other real property, but the defendant is nevertheless subject to the jurisdiction of the Court by reason of the cause of action having arisen within the limits of its jurisdiction, a copy of the summons and of the endorsements thereon, together with any notice to produce, and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court, at the time of applying for the summons for the purpose of being served therewith, shall be addressed to the defendant at the place where he may reside, and forwarded to him by post: provided that, in all cases in which a defendant is resident at some place out of the territories of the East India Company, the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is holden and the place where the defendant resides; and provided also, that, if on the day fixed for the hearing of the cause, or on any other day subsequent thereto on which the cause may be called on, the defendant shall not appear in person, or by vakeel, the plaintiff shall apply to the judge, and it shall be lawful for the judge to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to such judge may seem meet; provided always, that the plaintiff shall prove his case to the satisfaction of the judge, and the making such proof shall be a condition precedent to his obtaining judgment.

How it is to be served when he is out of the territories of the East India Company.

30. When the defendant is a native officer or soldier in the service of the Government, a copy of the summons and of the endorsements thereon, together with any notice to produce and any copies of any documents or instruments in writing that may have been delivered to the clerk or other proper officer of the Court for the purpose of being served therewith, shall be transmitted by the Judge to the commanding officer of the corps to which the native officer or soldier shall belong, for the purpose of being served on such native officer or soldier. The commanding officer, after causing the summons and its accompanying notices and copies of documents to be served on the party to whom it is addressed if practicable, shall return the summons to the Judge, with the written acknowledgment of the party endorsed thereon. If from any cause the summons cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the Judge from whom it may

How native officers and soldiers are to be served.

have been received, with information of the cause which has prevented the service of it. In such case the Court shall either make a further reference with the view of causing the summons to be duly communicated to the native officer or soldier, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, shall appear to be proper.

How Privileged Persons are to be summoned.

Substitutes for the summons in the case of privileged persons.

31. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons a letter, roobekaree, or other appropriate proceeding under the seal of the Court, when the person whose presence is required is of a rank or class in society which entitles him to such mark of consideration; and in such cases, the letter or other proceeding shall be treated in all respects as a summons, and shall be accompanied with a copy of the directions which would ordinarily be endorsed on the summons, and with any notice and copies of any other documents which would have been delivered therewith, if a summons had been issued for the appearance of the party.

List of privileged persons to be kept by the officer of Court.

32. A list of the persons (if any) residing within the limits of the Court's jurisdiction, who are entitled to the mark of consideration mentioned in the last Article, shall be kept in the office of the clerk or other proper officer of the Court, and any application for a summons against a person whose name is entered in the said list, shall be referred by the officer to the Judge for his order before the summons shall be issued to the defendant.

Service how to be made on privileged persons.

33. When a letter or other proceeding is sent to a party on account of his being of a class or rank of society that entitles him to that distinction, it may be transmitted through the post-office, or by a special messenger selected by the Court, or in any other manner that the Court may deem sufficient; unless the party shall have an accredited agent empowered to accept service of judicial process; in which case delivery to such agent shall be sufficient service. When the letter is transmitted through the post-office, or by special messenger, proof that it was duly posted, or was delivered to the messenger, shall be sufficient proof of its due service, in the absence of evidence to the contrary.

How Persons not before the Court may be made Parties to a Suit.

In certain cases of inheritance a proclamation for claimants to be issued at the same time as the summons to the defendant.

34. In every suit concerning the succession or right of inheritance to a zemindary, talook, land, house, or other real property, to which there may be more persons than one, who, by the Hindoo or Mahomedan law (regard being had to the religion of the claimants), would be entitled to a portion of the estate, there shall be issued, at the same time with the summons to the particular defendant or defendants, and in addition thereto, a proclamation setting forth the names of the parties, the nature of the suit, the day fixed for the hearing of the cause, and whether it have been fixed for the first hearing and settlement of issues, or for final disposal, and calling on all persons having any claim to any share, or interest in the property, to appear on the said day, either in person or by a vakeel of the Court, and be prepared to state their claims to the Court, and to support them by proper evidence.

Proclamation how to be published.

35. The proclamation shall be read aloud by the officer employed to serve the summons on some public place, within the limits of the zemindary, talook, land, or other real property concerning which the suit may be brought, and copies thereof shall be fixed up in some conspicuous part of the Court-house, and on the outer door of the family dwelling-house of the person the right of succession or inheritance to whose property is in question, or of the house in which he may have last resided. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall also be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

Proclamation may be issued in any suit by order of the Court.

36. If in any suit it shall appear to the Court at any hearing of the cause, that all the persons who may be entitled to some share or interest in the property in dispute have not been made parties to the suit, it shall be competent to the Court to adjourn the hearing of the cause to a future day to be fixed, and to direct a proclamation to be issued, calling upon all persons having any claim to any share or interest in the property to appear on the day so to be fixed, and be prepared to state their claims to the Court, and to support them by proper evidence. If the suit shall relate to the succession or right of inheritance to a zemindary, talook, land, house, or other real property, the proclamation shall be published or made known in the manner prescribed in the last preceding Article. If the suit shall relate to any other matter or thing, a copy of the proclamation shall be fixed up in some conspicuous part of the Court-house, and it shall also be competent to the Judge to direct that the proclamation shall be published or made known in such other manner as he may think proper. If the suit shall be brought in any Court subordinate to the Zillah Judge, a copy of the proclamation shall in all cases be fixed up in some conspicuous part of the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the suit may be brought.

If any claimant appear, he is to be treated as a party to the suit.

37. If any claimant shall appear on the day fixed in any proclamation issued under the provisions of Article 34 or of Article 36 of this Chapter, the Court shall investigate his claim and pronounce a decision thereon, in the same way as if he had been made originally a party to the suit.

Of Suits against the Government and its Officers.

If the suit be against the Government or its officers, the application for a summons is to be referred to the Judge.

38. If the suit be against the Government, or against any of its officers, for acts which the plaintiff at the time of applying for the summons alleges to have been done in an official capacity, the application for the summons shall be referred by the officer to the Judge for his order before any summons shall be issued to the defendant.

39. If it shall appear to the Judge, after examining the applicant, that the act complained of was done pursuant to a special order originating with the Government, or with the Revenue Commissioner and that the officer by whom the act was done is not liable to be sued for it, the Judge shall direct the person who may have made the application for the summons to apply in the first place to the Government by petition, stating wherein he considers himself injured under the Regulations of the Bombay Code, or the Acts of the Council of India, and praying that the Government will order the Court of Civil Judicature in which the cause may be cognizable, to try the contested points or matters by the Regulations or Acts. If the Government shall deem proper to grant the prayer of such petition, and the plaintiff shall file an order to the above effect with the clerk or proper officer of the Court; or if a plaintiff shall in the first instance, with his application for a summons in a case of the aforesaid description, produce an order from the Government to the effect aforesaid, and it shall appear to the Judge that the case is within his jurisdiction and cognizable under the order, he shall direct the summons to be issued to the officer by whom the act complained of may have been done, in the same way as is hereinbefore prescribed for the issuing of summonses to private individuals; and in no case shall a summons be issued to any defendant in a case of the nature aforesaid without an order to the effect aforesaid.

In cases where the Civil Courts have no direct jurisdiction against the officers of Government, the applicant is to be referred to the Government.

40. If it shall appear that the act complained of was done without any order of the Government, or of the Revenue Commissioner and that the act complained of is one for which the officer by whom it was done is declared amenable under the Regulations of the Bombay Code or the Acts of the Council of India, the Judge shall transmit the particulars of the claim as set forth in the Register referred to in Article 7 of this Chapter, to the Revenue Commissioner together with copies of any documents or instruments in writing that may have been delivered to the clerk or proper officer of the Court at the time of applying for the summons, for the purpose of being served therewith.

In cases where the Civil Courts have direct jurisdiction, against the Officers of the Government, the Judge is to refer to the Revenue Commissioner.

41. The Revenue Commissioner after making due inquiries on the subject, shall determine whether the party complaining is entitled to redress directly from Government, or whether he shall be left to prosecute the case in the regular course of law; and if they shall be of opinion that the party should be left to prosecute the case in the regular course of law, they shall inform the Judge by whom the case may have been referred to them of their determination to that effect, and also whether the case is to be defended by the public officer as a suit against the Government, or by the person affected by the complaint in his individual capacity.

How the Revenue Commissioner is to proceed in cases referred to it.

42. At the expiration of six weeks from the transmission, or at any earlier period when the Judge may receive intimation from the Revenue Commissioner that it has been decided that the party complaining shall be left to prosecute his case in the regular course of law, the Judge shall direct a summons to be issued to the officer whose act has been complained of, in the same manner as is hereinbefore prescribed for the issuing of summonses to private individuals.

When the summons is to be issued.

Of Arrest before Judgment.

43. If in any suit the defendant, with intent to avoid or delay the plaintiff, is about to leave the jurisdiction, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court to demand that security be taken for the appearance of the defendant, to answer any judgment that may be passed against him in the suit.

When defendant is about to leave the jurisdiction, plaintiff may apply that security be taken for his appearance.

44. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction, with the intent of avoiding or delaying the plaintiff, it shall issue a warrant to the proper officer, enjoining him to bring the defendant before the Court, that he may give good and sufficient bail for his appearance at any time when called upon while the suit is pending and until execution of any decree that may be passed against him in the suit; the surety or sureties undertaking, in default of such appearance, to pay, to an extent to be fixed by the Judge and specified in the warrant, any sum of money that may be adjudged against him in the suit, with costs.

How the Court is to proceed on such application.

45. The sureties for the personal appearance of the defendant may, at any time, apply to the Court to be relieved from their engagements as sureties, whereupon the Court shall issue its warrant, directing that the defendant be brought before it. On the appearance of the defendant to such warrant, or on his voluntary surrender, the Judge shall direct the engagement of the sureties to be cancelled, and shall call upon the defendant to give fresh security, and in default thereof shall commit him to custody.

Sureties may apply to be relieved from their engagements.

46. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit, and forthwith discharge the defendant.

Deposit in lieu of bail.

47. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he may be committed to custody until the decree shall have been passed.

Defendant, to be committed to custody if he cannot give security.

48. If in any suit the defendant is about to leave the territories of the East India Company with intent to remain absent so long that the plaintiff will, or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court, to the effect and in the manner aforesaid, and the procedure shall be in all respects the same as hereinbefore provided.

When the defendant is about to leave the country, the application to be made to the Court.

Of Sequestration before Judgment.

In certain cases plaintiff may apply for a sequestration of defendant's property.

49. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, it shall be lawful for the Court, on the application of the plaintiff in manner aforesaid, either at the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, when required; and on his failing to give such security, to direct that any property, real or personal, belonging to the defendant, or any debts due to him, or any money standing in his name or to his account, and in deposit in any Court of Justice, or any office of Government, or at his credit in any bank, or any interest or dividends payable or thereafter to become payable on any Government paper or shares in the capital or joint-stock of any banking, railway, or other public company or corporation, standing in his name, or such a portion of such property, debts, or money, as may be sufficient to fulfil the decree, shall be attached, and held in sequestration until the further order of the Court.

Application, how to be made.

50. The application shall be accompanied with the following particulars distinctly written in the language in use in proceedings before the Court, namely, the nature and amount of the claim the property required to be sequestrated, and the, supposed value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the claim is a just one, and that the defendant is about to dispose of or remove his property in manner aforesaid.

Defendant may be called on for security.

51. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be satisfied that the defendant intends to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, and if the plaintiff shall in person or by his agent enter into a bond rendering himself liable in such sum as may be judged adequate for all injury arising from the sequestration, in the event of his demand being disallowed, either wholly or in part, the Court shall thereupon issue a warrant to the proper officer, commanding him to require security from the defendant, in such sum as may be specified in the order, to produce and place at the Court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security is not provided, property may be sequestrated.

52. If such security is not furnished within the time specified in the order, the Court shall direct that the property, debts, or money mentioned in the particulars which accompanied the plaintiff's application, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached, and kept under sequestration until further order.

Process for taking security and for sequestration may be simultaneous.

53. The process for requiring security and for attachment and sequestration, when the property shall consist of goods and chattels, or other personal estate and effects, may be issued successively or simultaneously, as the Court shall think proper.

How the sequestration is to be made.

54. The attachment and sequestration shall be made, according to the respective natures of the property to be attached and sequestrated, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

Sequestration may be removed when security is furnished.

55. In all cases of sequestration before judgment, the Court which passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required, together with security for the costs of the sequestration.

Compensation for needless sequestration.

56. If on the trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed, either wholly or in part, the Court shall (unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the plaintiff.

Sequestration not to bar the execution of decrees or injure third parties.

57. Sequestrations before judgment shall not bar any person holding a decree against the defendant from attaching the property under sequestration, or affect the rights of persons not parties to the suit.

But person holding the decree is first to attach any other property of the defendant that may be pointed out.

58. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

59. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale, (and with or without security at the discretion of the Court), be put in immediate possession of the lands, and shall be entitled to charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the cause.

Of Injunctions.

Cases in which an injunction to stay waste may be granted.

60. In any suit in which it shall be shown to the satisfaction of the Court, that any property which is in dispute in the cause is in danger of being wasted or damaged by any party to the suit, it shall be lawful to the Court to issue its injunction to such party, commanding him to refrain from doing the particular act or acts complained of, or to give such other orders for the purpose of staying and preventing him from wasting or damaging the property, as to the Court may seem meet.

Or in which a receiver or manager may be appointed.

And in all cases in which it may appear to the Court to be necessary for the preservation

or the better management or custody of any property which is in dispute in a cause, it shall be lawful to the Court to appoint a receiver or manager of such property, and if need be to remove the person or persons in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper.

Special rule in actions for injunctions.

61. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply *ex parte* to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contrct or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted or denied by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just, and in case of disobedience such injunction may be enforced by imprisonment in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Of Withdrawing Suits.

How the Plaintiff may withdraw from a suit.

62. If the Plaintiff be desirous of withdrawing from the cause, he may give notice thereof to the clerk or proper officer in person, or by his vakeel, and to the defendant by pre-paid registered post letter; after the receipt of which by the defendant he shall not be entitled to any further costs than those incurred up to its receipt, unless the Judge shall otherwise order; and proof that the letter was duly posted shall be sufficient proof of the receipt thereof by the defendant, in the absence of evidence to the contrary.

Effects of withdrawal.

63. If the notice be given to the officer at any time before the day mentioned in the summons, for the appearance of the defendant, the plaintiff shall be at liberty to bring a fresh suit for the same matter, unless precluded by the rules for the limitation of actions. If the notice be given on or subsequent to such day, the plaintiff shall be precluded from bringing a fresh suit for the same matter, unless he shall have previously obtained the consent of the defendant, or the permission of the Judge to withdraw the suit. It shall be competent to the Judge at any time before final judgment to grant such permission on what may appear to him sufficient grounds for so doing, and on such terms as to costs or otherwise as he may deem proper.

Of the Death, Marriage, and Bankruptcy or Insolvency of Parties.

Suit not to abate by death.

64. The death of a plaintiff or defendant shall not cause the suit to abate. A note of the death shall be entered on the register of the suit, and the suit may be continued as herein-after mentioned.

Proceedings in case of death of one or more of several plaintiffs or defendants.

65. If there be two or more plaintiffs or defendants, and one or more of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs or against the surviving defendant or defendants, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Proceeding in case of death of one or more of several plaintiffs, where the right of action accrues to the survivor and the representative of the deceased.

66. If there be two or more plaintiffs, and one or more of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall accrue to them and the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court may on the application of the legal representative or representatives of the deceased plaintiff or plaintiffs enter the name or names of such representative or representatives in the register of the suit in the place or stead of such deceased plaintiff or plaintiffs, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such legal representative or representatives of the deceased plaintiff or plaintiffs; and if the application be made before the trial, and there be any dispute as to the fact of the person or persons so applying being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat, together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons making such application, as if such person or persons were originally a plaintiff or plaintiffs. If no application shall be made to the Court by any person or persons claiming to be the legal representative or representatives of the deceased plaintiff or plaintiffs, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of the deceased plaintiff or plaintiffs to appear on a day to be fixed in such proclamation, and to proceed with the suit in his or their stead. If any person or persons shall appear on the day mentioned in the proclamation to proceed with the suit as the legal representative or representatives of the deceased plaintiff or plaintiffs his or their name or names shall be entered in the register of the suit, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and such person or persons so appearing as the legal representative or representatives of the deceased plaintiff or plaintiffs; and if the appearance be made before the trial, and there be any dispute as to the fact of the person or persons so appearing being the legal representative or representatives of the deceased plaintiff or plaintiffs, the truth thereof shall be tried thereat together with the title of the deceased plaintiff or plaintiffs, and judgment shall be given in favor of or against the person or persons so appearing, as if such person or persons were

originally a plaintiff or plaintiffs. And if no person shall appear on the day to be fixed in the said proclamation, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs; and if judgment be given in favor of the defendant, the legal representative or representatives of the deceased plaintiff or plaintiffs shall be bound thereby equally with the surviving plaintiff or plaintiffs; but if judgment be given against the defendant or defendants, it shall only be to the extent of the share or shares of the surviving plaintiff or plaintiffs, and with a reservation of the rights of the legal representative or representatives of the deceased plaintiff or plaintiffs.

Proceeding in case of death of sole or sole surviving plaintiff.

67. In case of the death of a sole plaintiff or sole surviving plaintiff, the Court may, on the application of the legal representative or representatives of such plaintiff, enter the name of such representative or representatives in the place or stead of such plaintiff in the register of the suit, and the suit shall thereupon proceed; and if such application be made before the trial, and the fact be disputed, the truth thereof shall be tried thereat with the title of the deceased plaintiff, and judgment shall be given in favor of or against the person or persons making the application, as if such person or persons were originally the plaintiff or plaintiffs. If no application shall be made to the Court within what it may consider a reasonable time by any person or persons claiming to be the legal representative or representatives of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate or estates of the deceased sole plaintiff or surviving plaintiff, or if the Judge shall think proper he may, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative or representatives of the deceased sole plaintiff or surviving plaintiff, and prosecuting the suit to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

Proceeding in case of death of one or more of several defendants, or of a sole or sole surviving defendant.

68. If there be two or more defendants, and one or more of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the clerk or other proper officer of the Court, with the following particulars distinctly written in the language in ordinary use in judicial proceedings before the Court, namely, the name, description, and place of abode of any person or persons whom he alleges to be the legal representative or representatives of such defendant or defendants, and whom he desires to be made the defendant or defendants in his or their stead, and the clerk or other proper officer of the Court shall thereupon enter the name of such representative or representatives in the register of the suit in the place or stead of such defendant or defendants, and shall issue a summons to him or them to appear on a day to be therein mentioned to defend the suit. If no application shall be made to the Court, the Court shall direct a proclamation to be issued and published in the manner prescribed in Articles 35 and 36 of this Chapter, calling upon the legal representative or representatives of such defendant or defendants to appear on a day to be fixed in such proclamation, and defend the suit. If any person or persons shall appear on the day mentioned in the proclamation, to make defence to the suit as the legal representative or representatives of the deceased, his or their name or names shall be entered in the register of the suit, in the stead of the deceased defendant or defendants, and the suit shall proceed in the same way as if such person or persons had been originally a defendant or defendants thereto. And if no person shall appear on the day to be fixed in the said proclamation, the Court may proceed to dispose of the cause in the manner provided in Article 74 of this Chapter, or may make such order as may appear to be just and proper in the circumstances of the case.

Objections which are competent to the new defendant.

69. In all cases in which the legal representative or representatives of a deceased defendant or defendants shall be entered in the register, in the stead of such deceased defendant or defendants, if the issues shall not have been settled before the death, the new defendant or defendants shall be entitled to make all objections which would have been competent to the deceased defendant of defendants, and in addition thereto may make such other objections to the suit as may be appropriate to and rendered necessary by his or their character of legal representative; but if the issues shall have been settled before the death, the new defendant or defendants shall be at liberty to object only by way of denial, or to make such other objection only as may be appropriate to and rendered necessary by his or their character of legal representative, unless by the leave of the judge he or they shall be permitted to object fresh matters; and in case the plaintiff shall recover he shall be entitled to the like judgment in respect of the debt or sums sought to be recovered, and in respect of the costs prior to the entry of the name of the new defendant or defendants, as he would have been entitled to against the original defendant or defendants, and in respect of the costs subsequent thereto he shall be entitled to the like judgment as in an action originally commenced against the legal representative.

Marriage of a female plaintiff or defendant not to abate the suit.

70. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment and the decree thereupon may be executed upon the wife alone; and if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued, upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree; and if in any such suit the wife shall sue or defend by a vakeel appointed by her when sole, such vakeel shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the vakeel changed by authority of the Court.

71. The bankruptcy or insolvency of the plaintiff in any suit which the assignees might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit, unless the assignees shall decline to continue the suit, and give security for the costs thereof, within such reasonable time as the Judge may order; but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the suit, and to give such security, within the time limited by the order, the defendant may, within eight days after such neglect or refusal, object bankruptcy or insolvency as a reason for abating the suit.

Bankruptcy or insolvency when not to abate the suit.

Of Notices to produce, and how they are to be served.

72. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he supposes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the cause, he shall at the earliest opportunity deliver to the clerk or proper officer of the Court two notices in writing to the party in whose possession or power he supposes the document, writing, or other thing, to be, calling upon him to produce the document, writing, or other thing, on the day on which he wishes the same to be produced; and one of such notices shall be retained by the officer, and the other shall be delivered by him to the bailiff or proper officer, to be served in the manner hereinafter mentioned:

Two notices in writing to be delivered to the proper officer of the Court.

(1.) If the party on whom the notice is to be served shall have employed a vakeel to act for him in the cause, the notice shall be served on such vakeel by delivering the notice to him personally, or by leaving it at his office, or ordinary place of residence.

How the notice is to be served.

(2.) If the party shall not have employed a vakeel to act for him in the cause, and shall have his place of abode within eight miles from the Court-house by the nearest road, the notice shall be served on him by delivering it to him personally, or leaving it at his place of abode.

(3.) If the party shall not have employed a vakeel to act for him in the cause, and shall not have his place of abode within eight miles from the Court-house by the nearest road, but shall have entered in the book, to be kept for that purpose by the proper officer, the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notices shall be served by delivering the same to such person, or by leaving it at his place of abode.

(4.) If the party shall not have employed a vakeel to act for him in the cause, and shall neither have his own place of abode within eight miles from the Court-house by the nearest road, nor shall have entered in the book to be kept for that purpose the name and place of abode of some person residing within such distance of the Court-house on whom he may wish that all notices or process in the cause should be served on his behalf, the notice shall in like manner be served by delivering the same to the party in person or by leaving it at his place of abode; unless the notice be for some day subsequent to the first hearing of the cause, in which case it shall be sufficient service of the notice if it be fixed up in some conspicuous place in the office of the clerk or proper officer of the Court, and also in some conspicuous place of the Court-house.

Of the Appearance of the Parties, and Judgment by Default for Non-appearance.

73. On the day in that behalf mentioned in the summons, and from day to day, if necessary, until the cause is called on, the parties shall be in attendance at the Court-house in person or by a vakeel of the Court duly empowered to represent them in all matters relating to the prosecution or defence of the action, as the case may be.

Parties must appear in person or by vakeel.

74. If, on the day fixed for the hearing of the cause, or any other day subsequent thereto, on which the cause may be called on, neither party appears, either in person or by a vakeel of the Court, when duly called upon by the proper officer of the Court, the cause shall be struck out, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions. If the plaintiff shall appear in person or by a vakeel, and the defendant shall not appear in person or by a vakeel, and it shall be proved to the satisfaction of the Judge that the summons was duly served, or if the defendant having appeared in person or by a vakeel shall refuse to answer to the claim of the plaintiff, then and in any of these cases the Judge shall pass judgment against him by default. And in like manner, if the defendant shall appear in person or by a vakeel, and the plaintiff shall not appear in person or by a vakeel, or having appeared shall refuse to state his claim or to answer any questions respecting the same that the Judge may think proper to put to him, then and in any of these cases the Judge shall pass judgment against the plaintiff by default.

Consequences of non-appearance of a sole plaintiff or defendant.

75. When there are two or more plaintiffs, any one or more of them may be authorized to appear, plead, and act for the other or others of them; and in like manner, when there are two or more defendants, any one or more of them may be authorized to appear, plead, and act for the other or others of them; provided that the authority shall in all cases be in writing, and shall be filed with the proper officer of the Court; when so filed, it shall be as effectual to all intents and purposes as if the person so authorized to appear, plead, and act, were a vakeel of the Court.

When there are several plaintiffs or defendants, each may authorize the other to appear for him.

76. Nothing in the preceding Article contained shall be taken to prevent any one of two or more plaintiffs or defendants from appearing for the other or others of them respectively, without any special authority, when already entitled by law so to do by reason of unity of interest in the matter in dispute, or otherwise howsoever.

When such appearance may be made without special authority.

77. If these are two or more plaintiffs, and one or more of them shall appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-plaintiff or co-plaintiffs duly authorized or entitled as aforesaid, it shall be competent to the Judge to proceed with the suit at the instance of the other plaintiff or plaintiffs who shall have appeared, in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and the other or others of them shall not appear in person, or by vakeel, or by a co-defendant or co-defendants duly authorized or entitled as aforesaid, and if the plaintiff or plaintiffs shall consent to abandon the suit against the defendant or defendants who shall have appeared, and if judgment by default can be given against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the other defendant or defendants, judgment may be given by default against the defendant or defendants who shall have so failed to appear, upon such terms as to the costs of the other defendant or defendants, or otherwise, as to the Judge may seem proper; but if the plaintiff or plaintiffs shall not agree to abandon the suit against the defendant or defendants who shall have appeared, or if judgment cannot be given by default against the defendant or defendants who shall not have appeared, without detriment to the rights or interests of the defendant or defendants who shall have appeared, the Judge shall proceed with the cause to judgment, and shall at the time of passing his judgment give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

Consequence of non-appearance of one or more of several plaintiffs.

Consequence of non-appearance of one or more of several defendants.

78. In all cases of judgment against a defendant by default, for non-appearance, he may apply, at any time before the same shall have been finally executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Judge that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment and shall appoint a day for proceeding with the cause. And in like manner, in all cases of judgment against a plaintiff by default for non-appearance, he may apply, within a reasonable time, for an order to set aside the judgment; and if it shall be proved to the satisfaction of the Judge that the plaintiff was prevented by any sufficient cause from appearing when the cause was called on for hearing, the Judge shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the cause. In all cases whatsoever of judgment by default, in which a Judge shall pass an order for setting aside the judgment, his order shall be final; but in all cases in which he shall reject an application to set aside a judgment by default, an appeal shall lie from his order refusing the application, to the tribunal to which his final decision in the suit would be appealable, provided that the appeal be preferred within the time allowed for an appeal from such final decision.

When and how judgment by default may be set aside.

79. If it shall not be proved to the satisfaction of the Judge that the summons was duly served on the defendant in sufficient time to enable him to appear in person or by vakeel on the day fixed for the hearing of the cause, the Judge shall, at the option of the plaintiff, either postpone the cause to a future day, and grant him a second summons to the defendant, to be served in like manner as aforesaid, in continuation of the existing suit, or permit him to withdraw his suit, and if he shall elect to withdraw his suit, he shall be at liberty to institute a fresh suit for the same matter against the defendant in the same Court, or in any other Court of competent jurisdiction, at any time, unless precluded by the rules for the limitation of actions.

When the defendant has not been summoned in sufficient time, the plaintiff may apply for a new summons or bring fresh suit.

Of the Examination of the Parties.

80. In all suits in which both the parties appear in person or by a vakeel before the Judge, they or their vakeels may be examined orally by the Judge, and it shall be incumbent on them respectively to answer such questions in regard to the suit as he may think proper to put to them.

Examination of the parties or their vakeels.

81. If any of the parties shall appear by a vakeel of the Court, and such vakeel shall refuse, or be unable to answer any material question relating to the case, which the Judge is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Judge shall postpone the hearing of the cause to a future day, and direct that the party whose vakeel may have refused, or been unable to answer as aforesaid, shall attend in person on such day, and shall pay the costs of the opposite party; and if the party so directed to attend shall fail to appear in person on the day to be so appointed, the Judge may pass judgment against him, as in case of default, or give such other order in relation to the cause as he may deem proper in the circumstances of the case.

Consequence of refusal or inability of vakeel to answer.

Of the Production of Documents.

82. The parties, or their vakeels, shall bring with them, and have in readiness at the first hearing of the cause, to be produced when called upon by the Court, all their documentary evidence of every description, and all documents, writings, or other things which may have been specified in any notice to produce which may have been served on them respectively within a reasonable time before the hearing of the cause; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production of the document at the first hearing.

Documentary evidence to be produced at first hearing.

83. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible.

Exhibits may be admitted or rejected by the Court.

84. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under the existing Regulations of the Bombay Code, or Acts of the Council of India, it shall not be received in evidence if unstamped, or not sufficiently stamped, until the whole or the deficiency (as the case may be) of the stamp duty and the penalty required by the existing Regulations of the Bombay Code or Acts of the Council of India shall have been paid to the clerk or proper officer of the Court.

Unstamped documents may be received on payment of duty and penalty.

85. Such officer shall, upon payment to him of the whole, or of the deficiency (as the case may be) of the stamp duty payable upon or in respect of such document, and of the penalty required by the Regulations of the Bombay Code or Acts of the Council of India, give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalty; and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof shall be made in a book kept by such officer; and such officer shall at the end of every month duly make a return to the collector of revenue of the Zillah of the monies (if any) which he has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the cause and the names of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the collector of revenue, or to such person as he may appoint or authorize to receive the same; and the collector of revenue, or other proper authority, shall, upon production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid.

Duty and penalty to be received by officer of Court.

86. When an exhibit is received by the Court, and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record.

How admitted exhibits are to be marked.

87. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in the last preceding Article, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons, to reclaim it; and in all cases in which a rejected exhibit is returned, a certified copy of the exhibit and the endorsement shall be kept by the Court.

Rejected exhibits to be marked and returned.

88. When the time for appealing has elapsed, or in case the suit has been appealed, then after the appeal has been finally disposed of, either party shall be entitled, on application to the Court in which the exhibit may be, to receive back any document produced by him in the suit unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When exhibit admitted in evidence may be returned.

89. Any exhibit may be returned before the time mentioned in the last preceding Article, if the Judge of the Court in which the document may happen to be shall think proper, for special reasons, to order its return.

May be returned sooner, for special reasons.

90. In all cases in which a document once received by a Court of Justice and admitted in evidence is restored, a copy, properly certified, shall be substituted for it in the record of the suit, and a receipt shall be given by the party receiving it in a separate receipt book kept for the purpose.

Certified copy of returned exhibits to be kept.

91. Any Civil Court may, of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records, or from any other public office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

Court may send for papers from its own records or from other public offices or Courts.

Of the Settlement of Issues.

92. If in the course of the oral examination of the parties or their vakeels, if shall appear that they are not at issue upon any question of law or fact, the Court may at once give judgment; and if it shall appear that they are at issue on some question of law or fact, the Judge, after he shall have satisfied himself by such oral examination of the parties or their vakeels, on what questions of law or fact they are really at issue, will proceed to frame and record the issues of law and fact on which the right decision of the case may appear to him to depend.

Framing of Issues.

93. For the purpose of assisting the Judge in framing the issues, the parties or their vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the Judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact, and the allegations of fact contained in the written statements so tendered by the parties or their vakeels.

Written statements may be tendered by the parties to assist the Judge at the first hearing of the cause.

94. No such written statement shall be received after the first hearing of the cause, unless called for by the Judge under the power hereinafter contained.

No statement to be taken hereafter unless called for by the Judge.

95. It shall be competent to the Judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues.

Judge may at any time call for a written statement.

96. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to

How written statements are to be framed.

the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court.

Judge may reject an improper statement.

97. If it shall appear to the Court, that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Judge may reject the same; and it shall not be competent to a party whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for by the Court. If the Judge think proper, he may, instead of absolutely rejecting the written statement, receive and record the same, after he shall have struck out all such parts of the written statement as he may consider to be argumentative, unnecessary, or irrelevant; and such parts of any written statement as may be so struck out by the Judge shall not be allowed in the costs ordered to be paid by the opposite party, if costs be decreed against him. It shall also be competent to the Judge to impose upon the party from whose written statement he shall see fit to strike out any part, as being argumentative, unnecessary, or irrelevant, a fine not exceeding fifty Rupees.

or expunge irrelevant matter,

and fine party presenting it.

Judge may call for person whom he thinks it proper to examine before framing the issues.

98. If the Judge shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, he may adjourn the framing of the issues to a future day, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by subpœna or other suitable process.

Amendment of issues.

99. At any time before the decision of the case, the Judge may amend the issues on such terms as to him shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

Appeal.

100. If either party is dissatisfied with the issues as finally framed by the Court, such party may appeal upon that ground after the decision of the case.

Of Issues by Agreement of Parties.

Questions of fact, or of law or equity, may be stated by the parties in the form of an issue, and an agreement may be entered into for the payment of a sum of money, or the doing or the refraining to do a particular act, according to the result of the issue.

101. When the parties to a suit are agreed as to the question or questions of fact, or of law or equity, to be decided between them, they may, at any time after the issue of the summons, state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that upon the finding of the Judge in the affirmative or the negative of such issue a sum of money fixed by the parties, or to be ascertained by the Judge upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts, specified in the agreement, and having reference to the matter in dispute, either with or without the costs of the suit.

The Judge, if satisfied that the agreement was executed *bonâ fide*, may decree accordingly.

102. If the Judge shall be satisfied, after an examination of the parties, or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried or decided, he may proceed to record and try the same, and deliver his finding or opinion thereon in the same manner as if the issue had been framed by himself in an ordinary suit, and may upon his finding or deciding in such issue, give judgment for the sum so fixed by the parties or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow and may be executed in the same way as if the judgment had been pronounced in a contested suit.

When the Suit may be disposed of at the First Hearing.

If the summons was for a final disposal of the case, or the parties consent, suit may be decided at first hearing.

103. If the Court shall be satisfied that the questions of law or fact in which the parties are at issue do not require any further argument or proof than such as the parties or their vakeels can at once supply, the Court may at once decide such question, if the summons have been issued for a final disposal of the cause; and if the summons have been issued for a settlement of issues only, the Court may in like manner at once decide the question, if the parties consent thereto.

otherwise, the hearing of the case to be postponed.

104. When the summons has been issued for the settlement of issues only, if the parties or either of them do not consent that the Court shall at once decide the questions of law or fact on which they may be at issue, or if the questions of law or fact on which they are at issue require further argument or proof than the parties or their vakeels can at once supply, the Judge shall postpone the further hearing of the cause, and shall fix a day for the production of further evidence, or for further argument, as the case may require.

Of Adjournments.

Judge may grant time, or adjourn to a future day.

105. The Judge may, at any stage of the suit, grant time to the parties, or either of them, and may from time to time adjourn the hearing of the cause as he may think fit; and in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Judge shall otherwise direct.

106. If on any day to which the hearing of the cause may be adjourned, the parties or either of them shall not appear in person or by vakeel, the Court may proceed to dispose of the cause in the manner specified in Article 74 or Article 77 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

How the Judge is to proceed if the parties fail to appear on the day fixed.

Of Summoning Witnesses.

107. The parties or their vakeels may at any time before the Judge, on application to the Court or other proper officer of the Court, obtain summonses to witnesses or other persons to appear upon the day fixed, with or without a clause requiring them to bring with them or produce any books, deeds, papers, and writings in their possession or control, and in such summons any number of names may be inserted.

Application for Summons.

108. The person applying for a summons shall pay to the clerk or proper officer of the Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules, if any, established by the Court to which such Court shall be immediately subordinate. The sum so paid to the officer shall be tendered to the witness or other person, at the time of serving the summons, if it can be served personally. In addition to the sum so paid, the Court may direct such further sum to the paid to the witness or other person as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention, under the summons, and in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness or other person summoned shall not be bound to give evidence, or produce any document until such sum shall be paid.

Expenses of witnesses to be paid before issue of summons.

109. Every summons for the attendance of any witness or other person, shall specify the time and place at which he is required to attend, and also the purpose for which his attendance is required and any particular document or documents which the witness or other person may be called on to produce shall be described in the summons with convenient certainty. The witness shall further be required to produce all deeds and documents in his possession relating to the subject of the suit, and shall be bound to produce them unless he shall satisfy the Judge that the notice to produce did not give him sufficient information.

Time and place of attendance to be specified in summons.

110. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced, instead of attending personally to produce the same.

Summons to produce a document.

Service of Summons on a Witness.

111. Every summons shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the witness, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

How the summons shall be served.

112. Whenever it may be practicable, the service of the summons shall in all cases be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult member of his family residing with him.

Service to be on the witness, or a member of his family.

113. When the person required to attend cannot be found, and there is no adult member of his family on whom the summons can be served, the serving officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

When the summons cannot be served it is to be returned to the Court.

114. The serving officer shall, in all cases in which the summons has been served, endorse on the original summons the time and the manner where and how it was served.

Time and manner of service to be endorsed on the summons.

115. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, summons shall be transmitted by the clerk or proper officer of the Court in which the suit is pending, to the clerk or proper officer of the Court within whose jurisdiction the person required to attend may reside; and the clerk or proper officer of the last mentioned Court shall, upon receipt thereof, deliver the same to the bailiff or other proper officer of his own Court, to be served in the manner above directed; and upon the return of the summons by the serving officer, it shall be transmitted to the clerk or proper officer of the Court from whence it originally issued.

How a summons on a witness who resides in another jurisdiction is to be served.

116. If any person for whose attendance either to give evidence or to produce a document, a summons shall be issued, cannot be served in either of the ways herein-before specified, the Court on being certified thereof by the return of the serving officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness absconds or keeps out of the way, may cause a proclamation requiring the attendance of such person to give evidence, or produce the document, at a time and place to be named therein, to be affixed in some conspicuous plan upon or near to his house or place of abode; and if such person shall not attend at the time and place to be named in such proclamation, his property (real and personal), to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment, as in case of attachment for arrears of rent), shall be liable, under an order of the Court, to attachment and sale.

When a witness absconds his property may be attached.

117. The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property if the witness shall appear and satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of a summons, and that he had not such a notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached, or any part thereof, to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, or absconding or keeping out of the way, and any fine which the Court may deem fit to impose upon the witness under the provisions of Article 2 Chapter VI, or the Court may order the property to be released from the attachment upon payment of such costs and fine as aforesaid.

How the Court is to proceed with the witness on his appearance.

Of the Examination of Parties as Witnesses.

118. When a party to a suit appears in person at any hearing of the cause, he may be examined as a witness either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

Parties may be examined.

119. If any party to the suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his vakeel, make a special application to the Court for an order that the party do attend, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

Special application to be made for the examination of a party as a witness.

120. The Court if it think fit so to do, may, before making such order, cause notice to be given to the party or his vakeel, fixing a day for such party to show cause why he should not attend and give evidence; and may also, from time to time, if necessary, for good and sufficient cause, enlarge the time for such application.

The Court may first issue a notice to show cause.

121. In support of the cause shown, the Court shall receive any declaration in writing of the party, if signed by him and delivered into the Court by himself or his vakeel.

May receive a written declaration in support of the cause shown.

122. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

If no sufficient cause be shown, summons to issue.

Attendance of Witnesses and Consequence of Non-attendance.

123. Any person who shall be summoned to appear and give evidence in a cause shall be bound to attend at the time and place named for that purpose.

Persons summoned to give evidence must attend.

124. If any witness, on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Article 112 of this Chapter, shall, without lawful excuse, fail to comply with such summons, the Court may issue an order to the bailiff or other proper officer to apprehend and bring the witness before the Court. If any such person abscond or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided in Article 116 of this Chapter, with respect to a witness on whom the service of a summons cannot be effected.

Consequences of non-attendance by a witness not a party to the suit.

125. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition as hereinafter required, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall, in the meantime, consent to give his evidence, or to sign his deposition, or to produce the document; after which, in the event of his persisting in his refusal, the Court may proceed to deal with him according to the provisions of Article 2 Chapter VI.

Consequences of refusal to give evidence.

126. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document shall, without lawful excuse, fail to comply with such order, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, as in case of default, or give such other order in relation to the cause as the Court may deem proper in the circumstances of the case.

Consequence of non-attendance or refusal of a party.

127. Any person present in Court, whether a party or not, may be called upon by the Court to give evidence and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be dealt with for any refusal to obey the order of the Court.

Any person present in Court may be called upon to give evidence though not summoned.

When and how Witnesses are to be examined.

128. On the day appointed for the hearing or trial of the cause, or on some other day to which the hearing or trial may be adjourned, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. In cases in which an appeal may lie

Witnesses must be examined at the hearing of the cause in open Court in the presence of the Judge.

to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit, or their vakeels. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of the witness while under examination. In cases where an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witness in writing at length; but the Judge shall make a short memorandum of the substance of what each witness may have deposed at the trial of the cause, and such memorandum shall be written and signed with his own hand, and shall form part of the record.

129. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party, at any time after summons issued, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the other party if the day be fixed in his absence. The witness shall be examined, and his deposition shall be taken down in writing in the manner hereinafter prescribed; and the deposition so taken down may be read in evidence at the trial, or any hearing of the cause.

But a witness may for special cause be examined immediately.

130. All witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Witnesses to be examined without oath, affirmation, or warning.

Of Commissions to examine absent Witnesses and make local Inquiries.

131. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Judge to be personally examined, or is a person exempted by law absolutely, or at the discretion of the Court, by reason of rank, sex, or other special cause, from personal appearance in Court, the Court may, on the application of any of the parties to the suit, order a Commission to issue for the examination of the witness on interrogatories or otherwise, and may, by the same or any subsequent order or orders, give all such directions for taking such examinations, as well within the jurisdiction of the Court wherein the suit shall be pending as without, as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any officer of the Court, or to any subordinate Court, or to any other person or persons whom the Judge may think proper to appoint. If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within its general jurisdiction, the Commission shall ordinarily be issued to the Court within whose particular jurisdiction the witness may reside, or which can most conveniently execute the same; but under special circumstances, which may appear to render a different course expedient, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Cases in which Court may issue a Commission to examine witnesses.

Where the witness is within the Court's jurisdiction.

Where the witness is beyond the Court's jurisdiction.

132. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes at Bombay but may, under special circumstances, be directed to any other person or persons whom the Court issuing the Commission may think proper to appoint.

Where the witness is within the local jurisdiction of the Supreme Court.

133. Where the evidence is required of a witness who is resident at some place beyond the general jurisdiction of the Sudder Court, the application for a Commission to examine the witness must in all cases be made to the Sudder Court. If the suit in which the evidence of the witness is required be pending in some other Court than the Sudder Court, the application must be accompanied by a certificate from the Court in which the suit is pending, that the application is made with its permission. In all cases of an application to the Sudder Court for a Commission to examine a witness, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint; and whenever a Commission is issued from the Sudder Court for examination of a witness in a suit pending in any other Court, the Commission shall be made returnable to the Court in which the suit is pending.

Where the witness is beyond the general jurisdiction of the Sudder Court.

134. After the Commission has been duly executed, it shall be returned, together with the deposition or depositions of the witness or witnesses who may have been examined thereunder, to the Court out of

Commission to be returned with the depositions of the witnesses.

which the Commission issued (except as in the last preceding Article mentioned), unless otherwise directed by the order for issuing the Commission, and then it shall be returned in terms of such order, and the Commission and the return thereto, and the deposition or depositions of the witness or witnesses who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted by law absolutely, or at the discretion of the Court, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court, at its discretion, to authorize the reading of the deposition. And all depositions taken under any Commission which may be issued as aforesaid, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

When depositions may be read in evidence.

135. In suits regarding lands or houses, or their limits or boundaries, in which the Court may deem a local investigation to be requisite or proper, for the purpose of elucidating the matters in dispute, the Court may issue a Commission to any person whom it may think proper to appoint, directing him to make such investigation, and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine, not only such witnesses as may be produced to him by the parties or any of them, but any other person or persons whom he may think proper to call upon to give evidence in the matters referred to him; and persons not attending on the requistion of the Commissioner, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the Commissioner during the investigation of the matters committed to him, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the Commissioner, as they would incur for the same offences in suits tried before the Court; provided that the Commissioner shall report the order to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order. The Commissioner shall, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the presence of the Judge, the depositions of such witnesses as he may have examined, shall return the depositions, together with his report in writing, subscribed with his name, to the Court issuing the Commission. The report and depositions shall be taken as evidence in the cause, and shall form part of the record; but it shall be competent to the Court, or to the parties or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him, or mentioned in his report, or the manner in which he may have conducted the investigation. The Court may order such sum to be paid to the Commissioner as may be thought reasonable for his trouble and expenses, and the sum so ordered to be paid shall be considered as costs in the cause, unless the Court shall otherwise direct.

Commission for local investigations.

The report of the Commissioner to be taken as evidence in the cause, but he may be examined in person.

136. In any suit or other judicial proceeding in which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Judge to appoint any person whom he may think proper to be a Commissioner, for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or vakeels shall attend upon the Commissioner during such investigation or adjustment. In all such cases the Judge shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner are to be received in evidence in the case, unless the Judge may have reason to be dissatisfied with them; in which case he will make such further inquiry as may be requisite, and will pass such ultimate judgment or order as may appear to him to be right and proper in the circumstances of the case.

A Commissioner may be appointed to investigate and adjust accounts.

Of Judgment and Decree.

137. When the exhibits have been perused and considered, and the witnesses examined, and the parties have been heard in person, or by their respective vakeels, the Court shall pronounce its judgment, either immediately or on some future day, of which due notice shall be given to the parties or their vakeels

When judgment is to be pronounced.

138 In any suit concerning the succession or right of inheritance to any zemindary, talook, land, house, or other real property, where more persons than one would, by the Hindoo or Mahomedan law, be entitled to a portion of the estate, the decree shall adjudge the property, as far as may be practicable, among all the heirs, in the proportions to which they may be respectively entitled.

Rights of all the heirs to be declared in cases of succession.

139. In all suits in which issues have been framed, the Judge shall state his finding or decision on each separate issue.

The Judge to state his decision on each issue.

140. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Judge shall have

And to direct by whom costs are to be paid.

full power to award and apportion costs, in any manner he may deem proper, except in so far as is herein otherwise provided.

What is included in costs

141. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, such as the expense of stamp, summoning the defendants, fees of vakeels, or copies of documents required to be made, and subsistence-money to peons or other persons employed in serving processes, charges of witnesses, and sums awarded to Commissioners either in taking evidence or in local investigations.

How the judgment is to be delivered.

142. The judgment shall be pronounced in open Court, and in all Courts it shall be imperative on the Judge to state the reasons for his judgment at the time of pronouncing the same The judgment shall in all cases be written out and signed by the Judge. The judgment shall be written out in the vernacular language of the Judge, except when the Judge, being a native of the country, and sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, may prefer to write his judgment in English, and in that case the judgment may be written out in the English language. Whenever the judgment is written out in any other language than that which is in ordinary use in the proceedings before the Court, the judgment shall be translated into such language so being in ordinary use in the Court, and the translation shall also be signed by the Judge.

What the decree is to contain.

143. The decree shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the Register of the suit, the title of every exhibit produced in the cause, and the names of any witnesses who may have been examined, and a distinct statement of the issues when any may have been framed. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof, in the language in ordinary use in proceedings before the Court, and shall be sealed with the seal of the Court and signed by the Judge.

Copies of the decree to be furnished.

144. Copies of the decree shall be furnished to the parties or their vakeels, on application to the clerk or other proper officer of the Court.

When a native officer or soldier is a party to the suit, a copy of the decree is to be sent to his commandig officer.

145. When a native officer or soldier in the service of the Government is a party to a suit, and is not present at the time of its decision, an authenticated copy of the decree shall be transmitted by the Court to the commanding officer of the corps or detachment to which such native officer or soldier shall belong, for the pupose of its being communicated to him.

Chapter V.

EXECUTION OR ENFORCEMENT OF DECREES.

How decrees are to be enforced.

1. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom the same may have been adjudged; if the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by imprisonment of the party adjudged to perform the same, or by attaching his or their property, and keeping the same under sequestration until further order of the Court, or by both imprisonment and sequestration if necessary; if the decree be for money, it shall be enforced by the imprisonment of the party against whom the same may have been adjudged, or the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

Application for Execution.

Application for execution how to be made.

2. The application for execution of a decree shall be made to the clerk or other proper officer of the Court by the applicant in person, or through his vakeel in the cause, or some other vakeel duly appointed to act for him in that behalf, in manner hereinbefore mentioned.

If the person by or against whom the decree has been obtained shall die or become bankrupt or insolvent, application for execution may be made by or against his legal representative.

3. If any person in whose favor a decree has been passed shall die or become bankrupt or insolvent after such decree, and before execution shall be fully had thereon, application for execution of the decree may be made by or on behalf of the legal representative or representatives, or the assignee or assignees, of the person so dying or becoming bankrupt or insolvent as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly. And, in like manner, if any person against whom a decree has been passed shall die after such decree, and before execution has been fully had thereon, application for execution thereof may be made against the legal representative or representatives, or the estate of the person so dying as aforesaid, and if the Court shall think proper to grant such application, the decree may be executed accordingly.

Particulars to be given with the application.

4. The application for execution of a decree shall be accompanied with the following particulars distinctly written in the language in ordinary use in proceedings before the Court, namely, the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, if the suit were for money; the amount of costs, if any were awarded; the name of the person or persons against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person or persons named, or attachment of his or their property.

5. When the application is for an attachment of the defendant's land or other immoveable property, it shall also be accompanied with an inventory or list of such property, containing such a description of each item thereof as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's office, specifying the jummah of such estate, and the names and shares of the registered proprietors.

Further particulars when the application is for an attachment of immoveable property.

6. Where the application is for an attachment of the defendant's moveable estate, or any part thereof, or of debts or money belonging to him, it may also be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description of each item thereof; or the plaintiff may apply for a general attachment of the defendant's moveable estate, debts, and money, wheresoever the same can be found, to the amount of the judgment and costs.

The application for an attachment of moveable property may be special or general.

7. The clerk or other proper officer of the Court, on receiving any application for execution of a decree, accompanied with the particulars above mentioned, or such of them as may be applicable to the case, shall compare the same with the original decree contained in the record of the cause; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the clerk or other proper officer shall either return them for correction to the person making the application, or shall, with the consent of such person, make the necessary correction himself.

Duty of the officer on receiving the application.

Measures required in certain Cases preliminary to the Issue of the Warrant.

8. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be solicited by or against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if it shall appear that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing or property adjudged, or by the payment of the sum decreed, either in whole or in part, or by giving security for the same, or entering into an instalment bond or otherwise, or where the decree is for the delivery of a specific moveable, or for the specific performance of a contract or any other particular act, and the application is for the enforcement thereof by imprisonment of the party adjudged to deliver or perform the same, the clerk or other proper officer of the Court shall, instead of proceeding to the immediate enforcement of the decree, submit the application for execution thereof to the Judge; and it shall be competent to the Judge, if he shall think proper, to issue a notice to the party against whom execution may be sued for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall issue such order as in the circumstances of the case may appear to be just and proper.

In certain special cases, the defendant may be called on to show cause.

9. Where the application is for a general attachment of the moveable estate of the defendant, the clerk or other proper officer of the Court shall submit the application to the Judge, and it shall be competent to the Judge, if he shall think proper, (and if the plaintiff shall in person, or by his agent, give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person or persons than the defendant), to direct that an order do issue for the attachment of the defendant's moveable property wherever the same may be found, to the amount of the judgment and costs, or such other sum as may be specified in such order.

Application for a general attachment of moveable property must be referred to the Judge.

10. Before granting the order for a general attachment, or upon the application of the plaintiff at any time after judgment and before complete execution of the decree, the Judge may summon the defendant, and examine him as to his property and his means of satisfying the judgment, in the same way as if he were not a party to the suit.

The Judge may summon and examine the defendant as to his means of payment.

11. If the decree be for a zemindary, talook, land, house, or other real estate or property, or any share therein, and the judgment shall have been passed against the defendant or defendants by default, the clerk or other proper officer of the Court, before proceeding to execute the decree, shall issue a proclamation calling upon all persons having any claim to the property in question to appear on a certain day, to be specified in the proclamation, and which shall not be later than fifteen days from the date of the application for the execution of the decree, either in person or by an attorney or vakeel, and be prepared to state their claims to the Court, and support them by sufficient evidence.

If the judgment be by default and for land, a proclamation for claimants to be issued before execution.

12. The proclamation shall be read aloud by the bailiff or other proper officer in some public place within the limits of or adjacent to the zemindary, talook, land, house, or other real estate, or property, for which, or a share in which, the judgment by default may have been given, and a copy thereof shall be fixed up in some conspicuous part of the Court-house; and if the judgment by default shall have been given by any Court subordinate to the zillah

How the proclamation is to be published.

Judge, a copy of the proclamation shall also be fixed up in the Court of the Zillah Judge, as well as in the Court of the particular Judge in whose Court the judgment may have been given.

If no claimant appear, execution to issue.

13. If no claimant to the property shall appear on the day fixed in the proclamation, either in person or by vakeel, to offer any objection to the execution of the decree, the Court shall order the decree to be executed in the same manner as if the judgment had not been given by default.

Investigation of claims, how to be made.

14. If on the day fixed in the proclamation, any claimant to the property shall appear, in person or by vakeel, and shall offer any objection to the enforcement of the decree, the Court shall proceed forthwith to investigate the same, in the like manner and with the like powers as if the claimant had been originally made a defendant to the suit, but shall restrict its inquiry to the fact of possession only; and if it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree was not in the possession of the party against whom the judgment by default may have been given, nor in the occupancy of ryots, or cultivators, or other persons, paying rent to him at the date of the commencement of the suit, the Judge shall pass an order to stay execution of the decree, and shall call upon the party applying for execution thereof to show cause why the judgment should not be set aside and cancelled. And, if the party shall fail to show such cause to the satisfaction of the Court, the Court shall forthwith cancel the said judgment, and an entry of the cancellation shall be made in the Register of the suit. If it shall appear to the satisfaction of the Court that the zemindary, talook, land, house, or other estate or property mentioned in the decree, was in the possession of the party against whom the judgment by default was given, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the date of the commencement of the suit, it shall direct the decree to be executed in the same way as if the judgment had not been by default. The decision of the Court in the investigation mentioned in this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Issue of the Warrant.

Warrant to be under seal of Court.

15. When the clerk or other proper officer of the Court is satisfied as to the particulars above referred to, and all necessary preliminary measures have been taken when any such are required, he shall forthwith prepare and issue, under the seal of the Court, the proper warrants for the execution of the decree.

Latest day of execution to be written in warrant, and time and manner of execution to be endorsed.

16. Every warrant for execution of decree shall bear date on the day on which the same shall be issued, and shall be sealed with the seal of the Court, and delivered to the bailiff or other proper officer. A day shall be specified at the bottom of the warrant on or before which it must be executed, and the bailiff or other proper officer shall in all cases endorse upon the order the day and the manner in which it was executed, and shall return it with such endorsement to the Court from which it issued.

Of the Execution of Decrees for Immoveable Property.

How immoveable property is to be delivered when not in the occupancy of ryots.

17. If the decree be for a house or other immoveable property not in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by putting the party to whom the house or other immoveable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be by removing any person who may refuse to vacate the same.

How it is to be delivered when in the occupancy of ryots.

18. If the decree be for land or other immoveable property in the occupancy of ryots or other persons entitled to occupy the same, delivery thereof shall be made by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming to the occupants of the property by beat of drum, at some convenient place or places, the substance of the decree in regard to the property.

Obstruction to execution of decree for land.

19. If the decree shall be for the possession of a zemindary, talook, land, house, or other real estate or property, or share therein, and the party or parties in whose favor the same shall have been adjudged, shall be resisted or obstructed by any person or persons in obtaining effectual possession thereof, and shall make an application to the Court, either in person or by vakeel, at any time within one month from the date of the officer's return to the warrant for execution of the decree, the Court shall fix a day for investigating into the matter of his complaint, and if reasonable ground shall be shown to the satisfaction of the Court for believing that the obstruction or resistance in question has been occasioned by the defendant or defendants, or by some other person or persons at his or their instigation, the Court shall issue a summons to the defendant or defendants calling upon him or them to appear, on the day appointed for the investigation, to attend and give evidence.

Defendant may be summoned if suspected of implication.

Court how to proceed if he cannot be found or fails to attend.

20. In all cases in which a summons shall be issued for the attendance of a party at any time, or for any purpose after judgment, the summons shall be served in the manner hereinbefore prescribed for the service of a summons upon a witness, and if he cannot be served in either of the ways specified in Article 112 of Chapter IV. or if after being served he shall, without lawful excuse, fail to comply with such summons, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, he shall be liable to be dealt with in the same way as if he were not a party to the suit, and as any other person would be dealt with in the like circumstances, under Articles 116, 124, and 125 of Chapter IV respectively.

21. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was caused or occasioned by the defendant or defendants, or by any other person or persons at his or their instigation, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree by the defendant or defendants, or some person or persons at his or their instigation, the Court may, without prejudice to the operation of the provisions of Article 2 Chapter IV, commit the defendant or defendants to close custody until further orders.

How defendant may be dealt with if he persists in obstructing the plaintiff.

22. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person or persons claiming *bonâ fide* to be in possession of the estate or property on his own account, or on account of some other person or persons than the defendant or defendants to the suit, the Court shall, without prejudice to the operation of the provisions of Article 2 Chapter VI proceed to investigate the claim in the same manner and with the like powers as if the claimant had been made originally a defendant to the suit, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case; and the order of the Court shall not be subject to appeal, but the party against whom the same may be pronounced shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

Obstruction by a *bonâ fide* claimant.

Of the Execution of Decrees for Money by Attachment of Property.

23. If the decree be for money, and the person or persons applying for execution thereof shall desire that the amount shall be levied from the estate and property of the person or persons against whom the same may have been pronounced, the Court shall cause the attachment of any lands, houses, goods, chattels, effects, money, bank notes, cheques, bills of exchange, promissory notes, hoondees, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public company or corporation, or other property whatsover, moveable or immoveable, belonging to the defendant or defendants, and whether the same be held in his or their own name or names, or by another person or other persons in trust for him or them, or on his or their behalf, to the amount or value of the sum decreed and costs, or to such extent as may be deemed necessary for the purpose of securing the satisfaction and payment of such amount and costs.

What property may be attached in execution of decree.

24. Where the property shall consist of goods, chattels, effects, or other moveable estate, the attachment shall be made by actual seizure and the bailiff or other officer shall keep the same in his own custody, or in the custody of his subordinates, and shall be responsible for the due custody thereof. Where the property shall consist of lands, houses, or other immoveable estate, the attachment may also be made by actual seizure, but it shall be in the option of the Court, if it shall think proper, instead of directing its officer to make seizure and assume possession of the property, to issue a written order prohibiting the sale, mortgage, gift, or other transfer thereof, and all persons from receiving or taking the same by purchase, gift, or otherwise howsoever, and also prohibiting all ryots or cultivators and other tenants and occupiers of the land from paying their rents to any person or persons whomsoever, until the further order of the Court; with permission in the meantime to pay their rents into Courts, to the treasurer or other proper officer who may be authorized to receive or grant receipts for the same. Where the property shall consist in whole or in part of debts or of shares in any railway, banking, or other public company or corporation, the attachment shall be made in all cases by a written order of the Court, prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons whomsoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof until such further order. Where the property shall consist in whole or in part of money standing in the name of the defendant or to his account, and in deposit in any Court of Justice or office of Government, or of interest on Government paper, the attachment shall be made by a notice to such Court or office requesting that the money or interest may be held, subject to the further orders of the Court by which the notice may be issued.

The attachment is to be made by seizure when the property is goods and chattels;

By seizure or by prohibitory order when it is real estate;

By prohibitory order only when it is debts.

By notice when it is money in deposit in a Court of Justice or Government office.

25. In the case of lands, houses, or other immoveable property, the written order shall be read aloud at some place on or adjacent to the same lands, houses, or other property, and shall be fixed up in some conspicuous part of the Court-house; and also in the cutchery of the collector of the zillah in which the lands, houses, or other immoveable property may be situated. In the case of debts, the written order shall also be fixed up in some conspicuous part of the Court-house, and copies of the written order shall be sent registered by post to each individual debtor. And in the case of shares in the capital or joint-stock of any railway, banking, or other public company or corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court-house, and a copy of the order shall be sent to the manager, secretary, or other proper officer of the company.

When the attachment is by prohibitory order, how the order is to be made known.

26. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property or shares attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends to the defendant or defendants, during the continuance of the attachment, shall be null and void.

All private alienations of property under attachment to be null and void.

27. In all cases of attachment under the preceding Articles, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank notes or a sufficient part thereof shall be paid over and delivered to the party or parties applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank notes, so far as may be necessary for the satisfaction of the decree, shall be transferred and delivered to the party or parties applying for execution of the decree, if he or they shall be disposed to accept the same in satisfaction or part satisfaction of the amount decreed and costs, at the market value or such price as the Court may deem fair and reasonable; or that any part of the property so attached shall be sold, and that the money which may be realized by such sale, or a sufficient part thereof, shall be paid to such party or parties.

The Court may direct money or bank notes to be paid to the plaintiff.

or other attached property to be made over to him at a reasonable price.

or sold by public auction.

28. Where the property attached shall consist of debts due and owing to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immoveable estate or property, it shall further be competent to the Court to appoint a manager of the said estate or property with power to sue for and compound for the debts, and to collect the rents or other receipts and profits, or to raise money by mortgage or conditional sale of the land or other immoveable property, and to make and execute such deeds or instruments in writing as may be necessary or requisite for the purpose, and to pay and apply the same rents, profits, or receipts, or money so to be raised, towards the payment and satisfaction of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

Where the property consists of debts or real estate a manager may be appointed.

29. When full satisfaction shall be made of the amount decreed and costs, with all charges and expenses which may be incurred by the said attachment, or the same shall be otherwise paid and satisfied by the defendant or defendants, the attachment shall be forthwith released; and if the defendant or defendants shall desire that due intimation shall be given of such release, the order for the release of the attachment shall, at his or their expense, be proclaimed and intimated in the same manner as hereinbefore prescribed for the proclamation of the attachment.

Attachment to be released after full satisfaction of the decree.

Of Claims to attached Property.

30. In the event of any claim being preferred to or objection offered against the sale of lands or any other real or personal property which may have been attached in execution of a decree, or under and by virtue of any order for sequestration which may be passed before judgment, as not belonging to the defendant or defendants, and consequently not liable to be sold in execution of a decree against him or them, the Court shall, subject to the proviso contained in the next succeeding Article, proceed to investigate the same in the same manner and with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant or defendants as are contained in Articles 19 and 20 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other real or personal property so advertised to be sold in execution of the decree was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, or that being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property but on account of or in trust for some other person or persons, the Judge shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other real or personal property advertised to be sold in execution of the decree was in possession of the party against whom execution is sought, as and for his own property, and not for or on account of any other person or persons, or was in the possession of some other person in trust for him, or in the occupancy of ryots, or cultivators, or other persons paying rent to him at the time when the property was attached, the Court shall pass an order disallowing the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Article shall not be subject to appeal, but the party against whom the same may be given shall be at liberty to bring a suit to establish his right, at any time within one year from the date of the order.

How claims and objections to sale of attached property are to be investigated.

31. The claim or objection shall in all cases be preferred or made at the earliest opportunity to the Court that shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in the last preceding Article; provided that, if it shall appear that the preferring or making the claim or objection has been designedly and unnecessarily delayed, with a view to obstruct the ends of justice, the sale shall not be postponed, and the claimant shall be left to prosecute his claim after the sale by a regular suit.

Claims and objections should be preferred at the earliest opportunity.

Of Sales in Execution of Decrees.

32. Sales in execution of decrees shall be conducted by the proper officer of the Court, and shall in all cases be made by public auction in manner hereinafter mentioned, except where the property to be sold shall consist of Government securities; and with respect to such securities, it shall be competent to the Court to authorize its officer, or any other person whom it may think proper to appoint, to sell and dispose of the same through a broker at the market rate of the day, and, if the endorsement of the party in whose name any such security is standing shall be required to transfer the same, to endorse such security thus—"A. B. by C. D. by order of" (as the case may be), and in the meantime, until such sale, to receive any interest which may become due there-

Sales to be by public auction;

exception as to Government paper.

on, and to sign receipts for the same; and any endorsement which shall be made as aforesaid shall be as effectual to pass the said securities, and to give a good title to the holder thereof, and any receipt which shall be signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or signed by the party himself or his constituted vakeel.

How other property taken in execution must be sold.

33. In all cases of intended sale, whether of moveable or immoveable property, in execution of any decree or other judicial process, where the property shall not consist of Government securities, and in all sales of Government securities, when the Court shall direct that the same be sold by public auction, a proclamation of the intended sale, with particulars of the time and place of sale, of the property to be sold, including the jummah of the estate when the property to be sold is an estate paying revenue to Government, or any portion of any such estate, and of the amount for the recovery of which the sale is ordered, shall be made in the current language of the country, and at Bombay it shall also be made in the English language, at least thirty days before the appointed day of sale, exclusive of the day of sale, and of the date on which the proclamation may be ordered. Such proclamation shall be made, in Bombay, in the mode that has been usual in the case of sales by the Sheriff, and at other places in the usual mode, by beat of drum on the spot where the property is attached; and a written notification to the same effect shall be affixed in some conspicuous place in the Court of the Judge who shall have ordered the sale, and also in the Court of the Zillah Judge, where the Judge who ordered the sale is subordinate to the Zillah Judge. When the attachment shall have taken place at some place beyond the local limits of the jurisdiction of the Supreme Court, the written notification shall also be affixed in some conspicuous place within the town or village in which the attachment may take place, and the cutcherry of the collector, and also in the Court of the local moonsiff.

Nothing but the right, title, and interest of the defendant guaranteedto the purchaser.

34. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale, that nothing is guaranteed to them in the land or other property sold beyond the rights and interests therein of the individuals answerable for the amount of the decree or other process in execution of which the sale is made.

The process for attachment and sale may in certain cases be issued simultaneously.

35. The usual process for attachment and sale in such cases, when the property to be attached consists of goods, chattels, or other personal estate other than debts, may either be issued successively or simultaneously, as the Judge directing the sale may in each instance think proper; but no sale shall in any instance take place without a previous proclamation for the period specified in Article 33 of this Chapter; and any material irregularity in the sale which may be established on investigation to the satisfaction of the Court by whom the sale may have been ordered, shall be sufficient to invalidate the sale, provided that an application objecting to the sale on the ground of such irregularity be made to the Court by the party objecting thereto, either in person, or by vakeel, within one month after the sale.

The sale, if not objected to for irregularity, or if the objection is disallowed, shall become absolute.

36. If no such application as is mentioned in the last preceding Article be made within one month after the sale, or if such application shall be made and the objection shall be disallowed, the Judge shall pass an order confirming the sale; and in like manner, if such application shall be made, and if the objection be allowed, the Judge shall pass an order setting aside the sale for irregularity. The order which may be passed in either case unless appealed from, and if appealed from, then the order passed on the appeal shall be final, and the party against whom the same has been given shall be precluded from bringing a fresh suit for establishing his claim.

Certificate to be granted to the purchasers of land.

37. After the sale shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold, and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest, to all intents and purposes whatsoever, any law or practice to the contrary thereof notwithstanding.

And delivery made of property sold as far as practicable.

38. Where the property sold shall consist of goods, chattels, or other personal estate of which seizure has been made, the same shall also be delivered to the purchaser or purchasers thereof; and where it shall consist of lands, houses, or other immoveable property, the right, title, and interest of the defendant therein shall, as far as practicable, be delivered to the purchaser or purchasers thereof by erecting a pole upon some place within or adjacent to the land or other immoveable property, and proclaiming by beat of drum, at some convenient place or places, to the occupants thereof, that the right, title, and interest of the defendant or defendants therein has been transferred to the purchaser or purchasers.

If the sale be set aside price to be returned to purchaser.

39. Whenever a public sale is set aside as invalid under Article 35 of this Chapter, or on any account whatever, the purchaser shall be entitled to receive back his purchase money on restoring any property delivered over to him, with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

Of the Execution of Decrees by Imprisonment.

Subsistence-money of a defendant in gaol how fixed and furnished.

40. When a defendant under a decree is committed to prison in execution thereof, the Judge shall fix whatever monthly allowance he shall think sufficient for his subsistence, not exceeding per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance, on or before the 1st day of each month; the first payment to be made on the day of imprisonment for such portion of the current month as may remain unexpired.

41. A defendant will be released at any time on the decree being fully satisfied, or at the request of the person or persons at whose instance he may have been imprisoned, or on such persons omitting to pay the allowance as above directed, for the space of twenty-four hours after it has become due; and further, his imprisonment on account of the decree which occasioned it shall not, in any case, exceed two years.

Imprisonment for debt limited to two years.

42. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody or arrested on account of such disbursements.

Subsistence-money to be added to amount of decree.

43. Any person in confinement under a decree who is not entitled to the benefit of any Act for the relief of insolvent or bankrupt debtors in India, may at any time procure his enlargement by making an application to the Judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning the whole of such property to such person as the Court may direct, or such part thereof as may be sufficient for the satisfaction of the decree. In such case the Judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and call on him within a reasonable period, to be fixed by the Judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant; and on his failing to make such proof within the period specified shall cause the defendant to be set at liberty.

Application may be made for release from confinement on a surrender of the whole of the debtor's property.

44. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Judge that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith, the Judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if he shall think proper, send the defendant to the magistrate to be dealt with according to the provisions of the Penal Code.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years; and he may be further dealt with criminally on account of his fraud.

45. A defendant once enlarged shall not again be imprisoned on account of the same decree except under the operation of the last preceding Article, but his property will continue liable, under the ordinary rules, to attachment and sale in satisfaction of the decree until the same shall be fully made.

Though the defendant be released, his property is liable for the decree.

46. Whenever property is attached in execution of a decree, on the application of any person or persons, such person or persons shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

Attaching creditor to be first paid out of property attached.

Of the Enforcement of a Decree out of the Jurisdiction of the Court by which it was passed.

47. A decree or final order of any Civil Court within any part of the territories in the possession or under the Government of the East India Company which cannot be enforced or executed within the jurisdiction of the Court by which it was passed, may be enforced or executed within the jurisdiction of another Court within any part of the said territories in the manner following.

The decrees of any Courts may be executed beyond their own jurisdiction by other courts.

48. The party may apply to the Court which shall have passed such decree for a copy thereof, and also for a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such decree that may have been passed. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate to be furnished; and the same shall be signed by the Judge or one of the Judges of the Court, and sealed with the seal of the Court.

How application is to be made for such execution.

49. If such Court shall be the principal Civil Court of original jurisdiction in the district, the Judge shall describe himself accordingly in the certificate and shall also name the Court and the district.

Judge certifying decree, how to describe himself.

50. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment, and of the order for execution, if any, and the certificate of the Judge, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district; and the Judge of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the Judge of the Court in which the decree shall have been given to the documents above mentioned; and in such certificate the Judge signing the same shall describe himself as the Judge of the principal Civil Court of the district, and shall also name the Court and the district.

Certificate to pass from Chief Court of the district to Chief court where it is to be executed.

51. All copies and certificates, which may be furnished by or transmitted to the principal Civil Court of original jurisdiction in the district in which such decree shall have been given, shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the decree enforced or executed; and such Court shall cause the said documents to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless the Court to which such documents shall be transmitted

Court applied to for execution, how to proceed.

shall, under any peculiar circumstances, to be specified in an order, require the same.

Decree or order transmitted, to be executed as that of the Court.

52. The copy of any decree, or of any order for execution, when filed in the Court to which it shall be transmitted, for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may be enforced or executed by such Court or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

Execution how to be enforced by Court applied to.

53. When application shall be made to any of the said Courts to enforce or execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to enforce or execute the same, according to its own rules in the like cases; and the last-mentioned Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in enforcing or executing such decree; and all persons disobeying or obstructing the enforcement or execution of any such decree shall be punishable by such last-mentioned Court in the same manner as if the said decree had been pronounced by such Court.

What appeal from orders for execution under this Act.

54. An appeal shall lie from any order of a Court for enforcing or executing the decree of another Court, in the same manner, and subject to the same rules, as if the decree had been originally passed by the Court making such order.

Chapter VI.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Chapter XI Clause 39 of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the said Clause.

Contempt of lawful Authority under Chapter X.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a Judge or Court of Justice, it shall be competent to such Judge or Court to punish the same as for a contempt of Court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that Principal Sudder Ameens and Moonsiffs shall not exceed the powers of punishment conferred on them respectively as Judges of subordinate Criminal Courts, in fixing the measure of punishment for any of the offences referred to in the two last preceding Articles; and provided also, that when a person has been sentenced to punishment under the provisions of the last preceding Article for refusing or omitting to do any thing which he was required to do, it shall be competent to the Judge or Court of Justice to remit the punishment, on the submission of the offender to the order or requisition of such Judge or Court of Justice.

Punishment may be remitted on submission of the offender.

Chapter VII.

REFERENCE TO ARBITRATION.

Reference on application of the parties.

1. If the parties to a suit are desirous that the matters in difference between them shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

Application how to be made.

2. The application shall be made by the parties in person, or through one of the vakeels of the Court, specially authorized in that behalf by an instrument in writing, which shall be presented to the Judge at the time of making the application, and shall be filed with the proceedings in the cause.

Appointment of arbitrators may be made by Court at the desire of parties.

3. If the parties cannot agree with respect to the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, or having accepted it shall refuse to act, and the parties are desirous that the nomination shall be made by the Court, the Court shall appoint some proper person or persons to be the arbitrator or arbitrators, as the case may be.

Order of reference.

4. The Court shall fix such time as it may think reasonable for the delivery of the award, and shall by an order under its seal, in which the time so fixed shall be specified, refer to the arbitrator or arbitrators the matters in difference in the suit between the parties.

When the reference is to two or more, the order shall provide for difference of opinion.

5. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint their own umpire, or otherwise as may be agreed upon between the parties; or if they cannot agree as to any of these particulars, as the Court itself may determine.

Power to Court to direct arbitration.

6. If on the day mentioned in the Summons or at any subsequent hearing of the cause it shall appear to the Judge that the matter in dispute between the parties consists wholly or in part of matters of mere account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of Court, or to some other proper person whom the Judge may think fit to appoint, upon such terms as to costs and the remuneration of the arbitrator, or otherwise, as the Judge shall think reasonable.

Court may determine particular facts or points of law.

7. If it shall appear to the Judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law or fact fit to be decided by the Court, it shall be lawful for the Judge to decide such question of law or fact, and

his decision thereupon shall be taken and acted upon by the arbitrator as conclusive.

If action be commenced by one party to a deed of arbitration, Court may stay proceedings.

8. Whenever the parties to any deed or instrument in writing shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person claiming through or under him or them, shall nevertheless commence any suit against the other party or parties, or against any person or persons claiming through or under him or them, in respect of the matters so agreed to be referred or any of them, it shall be lawful to the Court in which the suit is brought on application by the defendant or defendants at his or their first appearance before the Judge, in obedience to any summons that may be issued in such suit, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the commencement of such suit and still is ready and willing to join and concur it all acts necessary and proper for causing such matters so to be decided by arbitration, to make an order for staying all proceedings in such suit, on such terms as to costs or otherwise as to such Court may seem fit: provided always, that any such order may at any time thereafter be discharged or varied as justice may require.

Powers of arbitrators.

9. Upon any reference by an order of Court, whether compulsory or by consent, the arbitrator or arbitrators and umpire shall have all the like powers as the Court would have in the like circumstances; and the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators, or umpire, or the parties, may desire to have examined, as the Court is authorized to issue in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators, or umpire, during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by orders made by the arbitrator or arbitrators, or umpire, as they would incur for the same offences in suits tried before the Court; provided that the arbitrator or arbitrators, or umpire, shall report the order, with the reason for making it, to the Court, and obtain its consent thereto, which is to be signified by the Judge's signing the order.

Extension of time for making award.

10. In cases where the arbitrators or umpire shall not have been able to complete the award within the period specified in the order from want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award if it shall think proper. In any case in which an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

In case of death, incapacity, or refusal to act of arbitrators or umpire, Court may appoint others instead.

11. If, in any case of reference to arbitration by an order of Court, the appointed arbitrator or arbitrators or umpire shall die, or refuse, or become incapable to act, it shall be lawful for the Court, on the application of the parties, or any of them, to appoint a new arbitrator or arbitrators, or umpire, in the place or stead of the person or persons so dying, or refusing or becoming incapable to act; and where two arbitrators are at liberty by the terms of the order of reference to appoint an umpire and do not appoint an umpire, then and in every such instance any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if within seven clear days after such notice shall have been served no umpire be appointed, it shall be lawful for the Court upon the application of the party having served such notice as aforesaid, upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Article, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

Award how to be submitted to Court.

12. When a final award in a cause shall be made, either by the arbitrators or umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause.

Arbitrator may state special case.

13. It shall be lawful for the arbitrator or arbitrators and umpire, upon any reference, by an order of Court, whether compulsory or by consent of parties, if he or they shall think fit, and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

Power to send back to arbitrator.

14. In any case where reference shall be made to arbitration as aforesaid, the Court shall have power at any time and from time to time to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the same arbitrator or arbitrators or umpire, upon such terms as to costs and otherwise as to the said Court may seem proper.

Judgment to be pronounced in terms of the award.

15. If the Court shall not see cause to remit the matters referred for re-consideration in manner aforesaid, it shall pronounce judgment conformable to the award, unless the same shall be set aside, or to its own opinion on the special case if the award shall have been submitted to it in the form of a special case, and the decree shall be carried into execution in the same manner as other decrees of the Court.

Application to set aside the award.

16. All applications to set aside any award made on a compulsory reference or a reference by consent of the parties, shall be made within ten days after the same has been submitted to the Court; and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, judgment shall be pronounced as mentioned in the last preceding Article, and such judgment shall be final between the parties.

CHAPTER VIII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

How Questions may be raised for the Decision of a Civil Court by any Persons interested.

Questions of fact, or of law or equity may be raised by agreement for the decision of any Court having jurisdiction.

1. Parties interested, or claiming to be interested in the decision of any question or questions of fact, or law or equity, may enter into an agreement which shall not be subject to any stamp duty, that upon the finding of a Judge, in the affirmative or negative of such question or questions of fact, or of law or equity, a sum of money fixed by the parties, or to be determined by the Judge, shall be paid by one of the parties; or that some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act or acts, or shall refrain from doing or performing some particular act or acts specified in the agreement. Where the agreement is for the delivery of some property, moveable or immoveable, or for the doing or performing, or the refraining to do or perform any particular act or acts, the estimated value of the property to be delivered, or to which the act or acts specified may have reference, shall be stated in the agreement.

The agreement to be filed and numbered as a cause.

2. The agreement may be filed in any Court having jurisdiction in the matter, with the proper officer, and when so filed shall be numbered and registered as a cause between some or one of the parties interested, or claiming to the interest-d as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendant.

Parties to be subject to the Court's jurisdiction.

3. After the agreement shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and shall be bound by the statements therein.

Hearing and disposal of the case.

4. The case shall be set down for hearing as an ordinary suit; and if the Judge shall be satisfied, after an examination of the parties or their vakeels, or taking such evidence as he may deem proper, that the agreement was duly executed by the parties, and that they have a *bonâ fide* interest in the question or questions of fact or of law or equity stated therein, and that the same is or are fit to be tried or decided, he shall proceed to record and try, or hear the same, and deliver his finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon his finding or deciding upon the question or questions of fact or of law or equity, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same may as if the judgment had been pronounced in a contested suit.

Of Special Cases for the Opinion of the Sudder Court.

Special case may be stated by any persons interested

5. Persons interested or claiming to be interested in any question as to the construction of any Act of Parliament, or any Regulation of the Bombay Code, or Act of the Council of India, will, deed, or other instrument in writing, or any Article, clause, matter, or thing therein contained, or as to the title or evidence of title to any real or personal estate contracted to be sold or otherwise dealt with, or as to the parties to or the form of any deed or instrument for carrying any such contract into effect, or as to any other matter, or thing, may, with the consent of a Judge of the Sudder Court, concur in stating the same in the form of a special case for the opinion of the Court; and all executors, administrators, and trustees may concur in such case.

What it is to contain.

6. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby, and shall be signed by the parties or their vakeels.

To be filed and numbered as a cause.

7. The special case shall be filed with the proper officer of the Court, and shall be numbered and registered as a cause between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; but it shall not be necessary to issue any process for summoning the defendants or defendant.

Parties thereto to be subject to Court's jurisdiction.

8. After the special case shall have been filed, all the parties thereto shall be subject to the jurisdiction of the Court, and such of the parties as are legally competent to bind themselves, shall, for the purposes of such special case, be bound by the statements therein; and the parties who are not legally competent to bind themselves shall also be bound by the statements therein, if the Court shall think proper so to direct, after taking such precautions as may be deemed necessary for protecting the rights of such parties.

Hearing and disposal of the case.

9. The special case shall be set down for hearing as an ordinary suit, and the Court, after hearing the parties or their vakeels, shall proceed to determine the questions raised therein, or any of them, and to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration; and every such declaration of the Court shall have the same force and effect as such declaration would have had, and shall be as binding to the same extent as such declaration would have been, if contained in a judgment pronounced in a contested suit. Provided that, if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the questions raised thereby, or any of them, cannot properly be decided upon such case, the Court may refuse to decide the same.

Chapter IX.

OF APPEALS.

Appeals from Final Decrees.

In what cases appeals shall lie from decisions of Judges, Principal Sudder Ameens, and Moonsiffs.

1. An appeal shall lie, as herein-after provided, from the decisions of the Judge, the Principal Sudder Ameen, and of the Moonsiff, in all suits in which the property, or possession, or right of occupany of land or other real property, or the right to receive rent or profit issuing out of land or other real property, or the right to hold land or other real property exempt from the payment of rent or revenue, or any thing in the nature thereof, or the right to hold land or other real property subject to the payment of a fixed annual sum on account of rent or revenue, or anything in the nature thereof, or the right to any benefits, liberties, or privileges derived out of or affecting any landed or other real property, or the right to receive or collect any customary or other payments or gratuities on any account whatsoever, or the title to any office, or to any trust or special privileges, or to any toll, fair, market, or franchise, or anything in the nature thereof respectively, shall be in question; and in all suits in which the right of inheritance from, or succession to, any person or the validity of any marriage, divorce, will, or authority to adopt, or of any decree, bequest, or limitation under any will or settlement, or the condition or status of any person, in respect of relationship, religion, caste, or otherwise, or the custody or guardianship of any person, may be disputed; and in all suits for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or for breach of promise of marriage.

When it shall not lie.

2. An appeal shall also lie from all other decisions of the Judge, the Principal Sudder Ameen, and Moonsiff, except in suits in which the amount claimed does not exceed the sum of fifty Rupees.

When the appeal from the Principal Sudder Ameen and Moonsiff shall be to the Zillah Judge, and when to the Sudder Court.

3. In suits in which the amount claimed or the value of the property claimed, does not exceed the sum of one thousand Rupees, the appeal from the decision of the Principal Sudder Ameen, or Moonsiff, as the case may be, shall be to the Zillah Judge; in suits above that sum, to the Sudder Court.

The decision of the Zillah Judge in appeal is final.

4. The decision of the Judge in appeals from the decision of the Principal Sudder Ameen, or Moonsiff, shall be final; provided, however, that it shall be competent to the Judge, at the time of deciding an appeal from the judgment of a Principal Sudder Ameen or Moonsiff, to record his opinion, certifying in his judgment his reasons for the same, that the case is one for revision by the Sudder Court, and when he shall have so certified, the Sudder Court shall admit a special appeal from the decision of the Zillah Judge, in the event of either of the parties making application to that effect.

In original suits the appeal from the Zillah Judge shall be to the Sudder Court.

5. The appeal from the decisions of the Judge, in original suits, shall be to the Sudder Court.

How Appeals are to be preferred.

Appeal to be preferred by a memorandum to be filed within specified time.

6. The appeal shall be made in the form of a memorandum as herein-after prescribed, which may be presented in the Appellate Court, or in the Court in which the decision objected to was passed for transmission to the Appellate Court. In either case, the memorandum must be presented within the times herein-after specified, unless the appellant shall, by a petition to the Appellate Court, show sufficient cause for not having presented it within such limited periods; that is to say, within thirty-one days if the appeal be to the Zillah Judge, or be to the Sudder Court from a decision of a Court of original jurisdiction constituted by one or more of its own Judges, and within ninety-one days if the appeal be to the Sudder Court from the decision of a Zillah Judge, Principal Sudder Ameen, or Moonsiff; the days to be reckoned in all the cases as immediately following and exclusive of the day on which judgment was pronounced.

Time may be extended by an application.

7. An application for an extension of the time for presenting a memorandum of appeal may be made directly to the Appellate Court, or through the intervention of the Lower Court, at the option of the applicant. If the application for extension of time be made to the Lower Court, that Court shall record the reasons assigned for the application, and shall transmit a copy of its proceedings to the Appellate Court.

What the memorandum is to contain.

8. Every memorandum of appeal shall set forth concisely, and under distinct heads, grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. But the appellant shall not be tied down to the objections set forth by him in his memorandum of appeal.

Form of memorandum.

The memorandum of appeal shall be in the following form, or to the following effect:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.

[*Name of Appellant*]Plaintiff [*or* Defendant] above named appeals to the Sudder Court at Bombay [*or* Zillah Court at *as the case may be*], against the decree of the Moonsiff, or Principal Sudder Ameen, of [or as the case may be], in the above cause, dated the day of ; for the following among other reasons.

Memorandum to be forwarded to the Appellate Court.

9. If the memorandum of appeal be presented in the Court in which the decree objected to was passed, such last-mentioned Court shall forthwith forward the same to the Appellate Court, with an endorsement thereon of the date on which it was presented.

What proceedings to be forwarded to the Appellate Court, and when.

10. Within one month from the date on which the memorandum of appeal shall be presented in the Lower Court, or one month from the date on which intimation shall be received by the Lower Court from the Appellate Court, that the memorandum of appeal has been presented in the Appellate Court, unless the Appellate Court shall think proper to enlarge

the time, and then within such enlarged time, the Judge of the Lower Court shall, except as provided in the next succeeding Article, certify under his hand and the seal of his Court the record duly made up and authenticated, including authenticated copies of all his own material proceedings in the cause, and the original depositions, exhibits, and every original paper read in the cause, together with the written statements, if any, that may have been presented by the parties, or any of them, and received and recorded by the Judge, and shall transmit the record so made up to the Appellate Court. Previous to transmitting the above-mentioned papers to the Appellate Court the Judge of the Lower Court shall cause true and faithful copies of all the originals to be made out and authenticated by the proper officer of his Court, and deposited in the Court in lieu of the originals. The copies shall be records of the Court, and shall be received in evidence in any other Court in the same way as originals. In cases where any original deposition or other original proceedings or matter whatsoever shall have been previously entered in a book, which may likewise contain other proceedings in other distinct cases, or any other matter, so that such original papers cannot be transmitted to the Appellate Court without the other proceedings or matters, the Judge of the Lower Court, within the time and in the manner before directed, shall certify a true and authentic copy of such original papers, and that the original of each copy so transmitted is entered in such book. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings of the Court, the copy shall have the force and effect of the original, and the Judge shall transmit a copy of it to the Appellate Court, and shall in like manner certify that the original, after due search, cannot be found. A memorandum of all expenses which may be incurred in the preparation of copies of papers or otherwise, in or about the making up and transmitting the record, shall be forwarded therewith to the Appellate Court, and shall be considered costs in the cause.

In certain appeals to the Sudder Court the proper officer to attend in the Appellate Court with the original record of the case.

11. In appeal from the Principal Sudder Ameen and Moonsiff to the Zillah Judge, the proper officer shall attend in the Appellate Court, from time to time, as may be required, with the original record of the proceedings in the cause.

Of staying and executing Decrees under Appeal.

When and on what terms execution of decree may be stayed.

12. When any party or parties appealing is or are directed to pay any sum of money, or to perform any duty, or when the decree is for the possession of land or any other property, real or personal, the Court whose judgment is appealed from shall and is hereby empowered to award that its judgment shall be carried into execution, or that sufficient security shall be given for the performance of such judgment; provided always, that where the Court of original jurisdiction shall think fit to order the judgment to be executed, security shall be taken from the other party or parties for the due performance of such order or judgment as may be passed in the Court of Appeal. But this decision shall itself be subject to appeal.

Of Procedure in Appeals from final Decrees.

How the appeal is to be entered.

13. When a memorandum of appeal shall have been presented in or transmitted to an Appellate Court, the clerk (or proper officer) of the Appellate Court shall endorse thereon the date of presentment if it was presented in the Appellate Court, or the date of receipt if it was transmitted from the Lower Court, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals.

Form of the register.

14. The Register shall be kept in the form contained in the Schedule (B.) hereunto annexed; and a certified copy of the Register, under the seal of the Court, shall be received in evidence in all Courts of Justice in India.

Court of Appeal may, at its discretion, require security for costs from appellant.

15. It shall not be necessary in any Court of Appeal to take any security for costs, but it shall be in the discretion of every such Court of Appeal to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon to answer.

Day to be fixed for hearing the appeal.

16. A day shall be fixed by the Appellate Court for the hearing and disposal of the appeal; which day shall not be earlier, in cases in which a record of the suit shall be transmitted by the Lower Court, than forty-two days from the day on which the record may have been received in the Appellate Court, and shall not be earlier, in cases appealable to the Sudder Court, when the officer is required to attend the Appellate Court with the original record of the suit, than twenty-one days from the presentment of the memorandum of appeal, but shall otherwise be as early, in all cases, as can be conveniently fixed, with a due regard to the state of business in the Court; the days to be reckoned in all the cases as exclusive of the day of hearing, and of the day on which the record may have been received, or the memorandum of appeal presented in the Appellate Court. Notice of the day which has been fixed for the hearing of the appeal shall be sent by the proper officer of the Appellate Court to the proper officer of the Lower Court from the decree of which the appeal has been preferred, and shall be served on the appellant and respondent, in the same way as hereinbefore provided for in respect to the service of a summons. The notice to the appellant shall contain an additional intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, either in person or by an advocate, attorney, or vakeel of the Appellate Court, his appeal will be dismissed for want of prosecution. And the notice to the respondent shall contain an intimation, that if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence.

The parties to be in attendance on day so fixed.

17. On the day in that behalf mentioned in the notices, and unless the Court shall otherwise direct, from day to day, until the cause is called on, the parties, appellant and respondent, shall be in attendance in the Appellate Court, in person or by an advocate, attorney, or vakeel of the Court, duly empowered in manner hereinbefore mentioned, to represent them in all matters relating to the prosecution or defence of the appeal.

18. If on the day fixed for the hearing of the appeal, or on any other day subsequent thereto on which the cause may be called on, the appellant shall not appear in person, or by an advocate, attorney, or vakeel of the Court, the appeal shall be dismissed for default. If the appellant appears in person, or by advocate, attorney, or vakeel, and the respondent shall not appear in person, or by advocate, attorney, or vakeel, the appeal shall be heard *ex-parte* in his absence.

Consequences of non-appearance.

19. Where an appeal is dismissed for default, an intimation of the dismissal shall be sent to the Court of original jurisdiction, and the costs of preparing copies of papers, and making up and transmitting the record, may be realized from the appellant, under an order of that Court, to be enforced in the same manner as a decree of Court.

When an appeal is dismissed, intimation to be sent to the Lower Court.

20. In all cases in which an appeal shall be dismissed for default of prosecution, it shall be competent to the appellant to apply within reasonable time to the Appellate Court, for the re-admission of his appeal. The application shall be accompanied with a certificate from the Court of original jurisdiction, that the costs mentioned in the preceding Article, when ordered to be realized from the appellant, have been fully paid and satisfied; and if the Appellate Court shall think proper to grant such application, a day shall be thereupon fixed for the hearing of the appeal, and a fresh notice shall be issued to the respondent to be served in the same way as the first notice, and with the like additional intimation as is herein-before provided; but it shall not be necessary to issue or serve any notice on the appellant.

How an appeal dismissed for default may be restored.

21. The Appellate Court, after hearing the cause, shall proceed to give its judgment in the same manner as herein-before prescribed in regard to the judgment of Courts of original jurisdiction, for confirming, or reversing, or modifying and altering the decree of the Lower Court, as the Appellate Court shall think proper.

The Appellate Court how to give judgment.

22. No decision shall be reversed or altered, nor shall any case be referred back to the Court of original jurisdiction, on account of any error, defect, or irregularity not affecting the merits of the case.

No decision to be reversed for irregularity.

23. If the Court of original jurisdiction shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact which shall appear to the Court of Appeal essential to the rights of the parties, and the decree of the Lower Court shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remit the case to the Lower Court, and cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such Lower Court, with directions to proceed in the investigation of the merits of the case, and pass a decree therein.

When a case may be remanded by Appellate Court.

24. It shall not be competent to the Appellate Court to remand a case for a second decision by the Court of original jurisdiction, except as provided in the preceding Article.

Power to remand limited as above.

25. When there is sufficient evidence upon the record of the Lower Court to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground.

When the Appellate Court may dispose of a case, though the Lower Court has decided on other grounds

26. It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses; but if it appears that the Lower Court refused to admit competent evidence, or if the Appellate Court itself requires the production of exhibits or witnesses, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the Court may allow additional exhibits to be received, and the same and other witnesses to be examined; provided that whenever this power is exercised, the reasons for exercising it be recorded on the proceedings by the Appellate Court.

When the Appellate Court may call for fresh evidence.

27. Whenever additional evidence is permitted to be received, it shall be competent to the Court of Appeal to take such evidence before itself, or to require the Lower, or any other Court, or to empower any person, to take such evidence; and it shall also be competent to the Court of Appeal to prescribe the mode by which such evidence shall be taken; and the Court of Appeal shall be at liberty to proceed by all or any of the modes aforesaid.

How additional evidence is to be taken.

28. In all cases where additional evidence is permitted to be taken, the Court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of the proceedings.

Points to be defined.

29. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the cause, examining the parties or their vakeels, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

Powers of Appellate Court.

30. The judgment of the Appellate Court shall in all cases be pronounced in open Court, and, after being written out, shall be signed by the Judge or Judges. The judgment shall be written out in the English language; and where that language is not the language in ordinary proceedings before the Court, the judgment shall be translated into the languages so being in such ordinary use, and the translation shall be signed by the Judge.

How the judgment of the Appellate Court is to be delivered. In what language it is to be written.

31. The decree of the Appellate Court shall bear date the day on which the judgment was passed, and shall contain the number of the suit, the names and description of the parties appellant and respondent, the memorandum of appeal, a list of any additional exhibits that the Appellate Court may have allowed to be produced, and the names of any witnesses that it may have allowed to be examined. It shall also contain an exact copy of the ordering part of the judgment, or a translation thereof in the language in ordinary use

What the decree is to contain.

in proceedings before the Court. The decree shall be sealed with the seal of the Court, and signed by the Judge or Judges who passed it, and copies shall be furnished to the parties in the same manner as hereinbefore provided for in regard to the decrees of Courts of original jurisdiction.

A certified copy of the decree to be transmitted to the Lower Court.

32. A copy of the decree, certified by the clerk or proper officer of the Appellate Court, and sealed with the seal of the Court, shall be transmitted to the clerk or proper officer of the Court of original jurisdiction which passed the first decree in the suit appealed from, and shall by him be filed with the original proceedings in the cause; and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

How to be executed.

33. Application for execution of the decree of an Appellate Court shall be made to the Court of original jurisdiction which passed the first decree or order appealed from, and shall be enforced and executed by the Court which passed the first decree or order appealed from, in the manner and according to the rules hereinbefore contained for the enforcement and execution of original decrees or orders made by such last-mentioned Court.

Appeals from Orders.

From what orders appeals shall lie.

34. Appeals shall lie from the orders of Civil Courts as follows :—

(1st.) In all cases whatsoever, where the order is for the punishment of a contempt committed in the presence of the Court.

(2nd.) In all other cases whatsoever, unless otherwise specially provided for, if the decree in the suit be appealable.

(3rd.) In all other cases, unless otherwise specially provided for, whether the decree in the suit be appealable or not, provided that the person against whom the order has been passed is not a party to the suit.

Court to which the appeal should be made.

35. The appeal from an order shall always be made to the Court to which the decree in the suit in which the order may be passed is appealable. If the order be passed in a suit in which the decree is not appealable, or in a judicial proceeding which cannot properly be titled as of any suit, the appeal from the order of a Moonsiff, or Principal Sudder Ameen, shall be made to the Zillah Judge, and the appeal from the order of a Zillah Judge shall be made to the Sudder Court.

The appeal not to stay proceedings.

36. The appeal shall not in any case stop the proceedings in the Lower Court.

Of Procedure in Appeals from Orders.

Procedure, how it differs from the procedure in appeals from decrees.

37. The procedure in appeals from orders shall be in all respects the same as in appeals from final decrees, except as hereinafter provided.

(1.) The Register shall be kept in in the form contained in the Schedule (C.) hereunto annexed.

(2.) The memorandum of appeal shall in all cases be presented in the Court in which the order objected to was passed, within five days immediately following, and exclusive of the day on which the order was pronounced.

(3.) Where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, the memorandum of appeal shall be accompanied with a list of the papers or depositions of which the appellant desires that copies should be transmitted to the Appellate Court.

(4.) The memorandum of appeal shall be transmitted to the Appellate Court within eight days from the date of presentment; and where the appeal is from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, authenticated copies of the order appealed against, and of the papers and depositions mentioned in the list accompanying the memorandum, shall be transmitted to the Appellate Court with the memorandum of appeal.

(5.) At the expiration of twenty days after the presentment of a memorandum of appeal in a case appealable to the Zillah Court, and thirty days after its presentment in a case appealable to the Sudder Court, from the order of a Zillah Judge, Principal Sudder Ameen, or Moonsiff, and ten days in a case appealable to the Sudder Court from an order of a Court of original jurisdiction constituted by one or more of its own Judges, the case shall be set down for hearing in the Appellate Court, and if the appellant does not appear on any day thereafter that the case may be called on for hearing, it shall be struck out of the file; but the Appellate Court shall have power to restore the case to the file, if sufficient cause to its satisfaction for so doing be shown within a reasonable time.

(6.) It shall not be necessary for the Appellate Court to call for any further papers, unless it shall think proper.

(7.) It shall not be necessary to give any notice to the respondent

(8.) The judgment may be delivered orally, and reduced to writing in the language of the Court, by an officer of the Court, or otherwise as the Court may think proper in each particular case.

Chapter X.

REVIEW OF JUDGMENT.

Cases in which a party may apply for a review of judgment.

1. Any persons considering themselves aggrieved by a decree of any Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—or by a decree of a Zillah Judge in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council—and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them—may apply in person or by advocate, attorney, or vakeel, for a review of judgment by the Court which passed the decree.

Within what time the application should be made.

The application shall be made within three months from the date of the decree, but the Courts are nevertheless autho-

rized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the Court to which an application for a review may be presented shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if on the contrary it shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court to which the application may have been presented shall grant the review, and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

2. Provided that, if the Court to which the application for a review of its judgment has been presented be the Sudder Court, whenever the Judge or Judges who may have passed the decree, or if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering his order or opinion upon the the same, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

Application for a review in the Sudder Court must be made to the Judge or Judges that passed the decree.

3. In all cases in which an application for a review of judgment may be granted by any Court, the Court shall give such order, in regard to the summoning of the absent party or parties and hearing of the cause, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

4. The Principal Sudder Ameens and Moonsiffs except the Moonsiff of Agra shall at the close of each month send to the Judge of the Zillah a list of the cases in which they may have admitted a review of judgment, with a statement of the grounds on which the review has been admitted, and the Zillah Judge and the Moonsiff of Agra shall in like manner, at the close of each month, send to the Sudder Court a list of the cases in which they may have admitted a review of judgment, together with the grounds on which the review has been admitted, and the Judge shall at the same time transmit to the Sudder Court any lists which he may have received from the Principal Sudder Ameens and Moonsiffs of cases in which they may have admitted a review of judgment, together with such remarks as he may think proper thereon.

Abstract statements of reviews admitted to be forwarded to Superior Courts.

SCHEDULE A. referred to in the foregoing scheme of Procedure.
COURT of the of holden at
REGISTER OF CIVIL SUITS in the year 18 • .

Date of Application for Summons.	No. of Suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment			Appeal.		Execution.					Return of Execution.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Particulars.	Amount or Value.	When the Cause of Action accrued	Day for Parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or Amount	Date of Appeal.	Judgment in Appeal.	Date of Application.	or Date Order.	Against whom.	For what, and Amount if Money.	Amount of Costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and Date of every Return.

SCHEDULE B. to the foregoing scheme of Procedure.
SUDDER COURT OF BOMBAY [or Zillah Court at
REGISTER of APPEALS from FINAL DECREES in the year 18

Date of Memorandum, and where presented.	No. of Appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Trade or Quality.	Residence.	Name.	Trade or Quality.	Residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for Parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE C. to the foregoing scheme of Procedure.
SUDDER COURT OF BOMBAY [or Zillah Court at .]
REGISTER OF APPEALS from ORDERS in the year 18 .

Date of Memorandum.	No. of Appeal.	Name of Appellant.	Name of Respondent.	Order appealed from.		Order in Appeal.	
				Of what Court.	Substance of Order.	Confirmed, reversed, or altered.	Date.

W. MORGAN, *Clerk of the Council.*

JOHN GRANT, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, FEBRUARY 28, 1857.

NOTICE is hereby given, under Section. VI. Act I. of 1845, that the under-mentioned Estates in Zillah Sylhet, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 16th day of March 1857, for Arrears of Revenue and all other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 19th January 1857 :—

Class 1.—Permanently-settled Estates.

No. 31.—Talook Mooktaram Sein, Pergunnah Badehshure ; recorded proprietors, Shaheb Ram and others ; sudder jumma, rupees 20-14-6.

No. 313.—Talook Moolook Chund, Pergunnah Cooshear Cool ; recorded proprietors, Rozak Mahomed and others; sudder jumma, rupees 27-15-2.

No. 102.—Talook Molick Mahomed, Pergunnah Ruffeenugur ; recorded proprietors, Nowaz Mahomed and others ; sudder jumma, rupees 11-1-6.

No. 122.—Talook Mouza Ramkistopore, Pergunnah Lungla ; recorded proprietor, Ram Chand ; sudder jumma, rupees 10-3-10.

No. 179.—Talook Doorgapore, Pergunnah ditto, recorded proprietor, Annud Bancha Ghose ; sudder jumma, rupees 21-8-9.

No. 607.—Talook Luckheenugur, Pergunnah Lungla; recorded proprietor, Hoolash Ram Deb sudder jumma, rupees 10-3-10

No. 130.—Talook Jeebonanud, Pergunnah ditto ; recorded proprietors, Shoroop Chunder Roy and others; sudder jumma, rupees 13-13-10.

No. 37.—Talook Soonder Ram, Pergunnah Atooajan ; recorded proprietor, Prokas Chunder Doss ; sudder jumma, rupees 30-14-11.

No. 84.—Talook Sreemunth Khan, Pergunnah ditto ; recorded proprietors, Shebanund and others ; sudder jumma, rupees 16-6-10.

No. 57.—Talook Chand Ram Chowdry, Pergunnah Chamtollah ; recorded proprietor, Mr. A. Vincent ; sudder jumma, rupees 108-9-5.

No. 4.—Talook Romabullub Roy, Pergunnah Havilly Shotrosoty ; recorded proprietors, Pooroshutum Dutt and others ; sudder jumma, rupees 100-11-1.

No. 754.—Talook Goureebullub, Pergunnah Chowalies ; recorded proprietors, Manick Ram Dutt and others ; sudder jumma, rupees 41-13-0.

No. 54.—Talook Mahomed Tuckee, Perguannah Bajoorah ; recorded proprietor, Golamhosen ; sudder jumma, rupees 17-14-9.

No. 1.—Talook Syud Mahomed Nazir Hessa Syud Mahomed Bateer, Pergunnah Turrup ; recorded proprietors, Nubkisto Mojomdars and others ; sudder jumma, rupees 3164-5-4

No. 1.—Talook ditto, Hissa Syud Nyunullah, Pergunnah ditto ; recorded proprietors, Manick Ram and others ; sudder jumma, rupees 373-1-1.

No. 2.—Talook Syud Ahmud Ally Hissa, Syud Ahmud Rezah, Pergunnah ditto ; recorded proprietors, Prosooram and others ; sudder jumma, rupees 1509-0-0.

No. 2.—Talook ditto, Hissa Syud Muddun Reza, Pergunnah ditto ; recorded proprietors, Rumbullub and others ; sudder jumma, rupees 2784-3-2.

No. 2.—Talook ditto, Hissa Syud Kaimrezah, Pergunnah ditto; recorded proprietors, Joygovind Roy and others ; sudder jumma, rupees 1,966-14-11.

No. 2.—Talook ditto, Hissa Syud Kolin Rezah, Pergunnah ditto; recorded proprietors, Joygovind Roy and others; sudder jumma, rupees 718-12-10.

No. 273.—Talook Govind Ram Serma, Pergunnah ditto; recorded proprietor, Ramkanth Sermah and others; sudder jumma, rupees 13-2-2.

No. 459.—Talook Jamal Keshore, Pergunnah Turruff; recorded proprietor, Jamaldee; sudder jumma, rupees 10-10-8.

No. 1165.—Talook Nugda Chowbeh, Pergunnah ditto; recorded proprietor, himself; sudder jumma, rupees 11-10-8.

No. 1.—Talook Syud Abool Hosein, Hissa Syud Ekber Hosein, Pergunnah Godahoseinnugur; recorded proprietors, Kisto Churn Kur and others; sudder jumma, rupees 187-1-1.

No. 30.—Talook Syud Reajoo Rohoma, Pergunnah ditto; recorded proprietors, Syud Reajoo Rohama and others; sudder jumma, rupees 139-7-6.

T. P. LARKINS,

Offg. Collector.

SYLHET COLLECTORSHIP,
The 16th February 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

WEDNESDAY, MARCH 4, 1857.

Legislative Council.

The 21st February 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 13th February 1857, and is hereby promulgated for general information :—

ACT No. V OF 1857.

An Act to confer certain powers on the Oriental Gas Company, Limited.

Preamble.

WHEREAS a Joint Stock Company has been lately formed for the purpose of introducing Gas-works into India, which Company having been completely registered in England under the Act of Parliament of the eighth year of the reign of her present Majesty, Cap 110, has since been registered in England under "The Joint Stock Companies' Act, 1856" with limited liability, and has duly obtained a certificate of Incorporation under the name of the Oriental Gas Company, Limited; and whereas the said Company has erected Gas-works on land granted for that purpose by Government in the vicinity of the Town of Calcutta, and is engaged in the preparation of apparatus and materials for the manufacture and supply of Gas for lighting the said Town; and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with Gas the said Town of Calcutta, which powers and facilities may hereafter be extended to the operations of the said Company in other Towns and places: It is enacted as follows:—

Power to break up streets, &c., under superintendence, and to open drains.

I. In the Town of Calcutta and its environs, and in any other Town or place to which the provisions of this Act may hereafter be extended, by a law to be passed for that purpose, the Oriental Gas Company, Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the Gas; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges; and they may in such streets erect any pillars, lamps, and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying Gas to the inhabitants of the said Town of Calcutta and its environs, or other Town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter on private land without consent.

II. Provided always, that nothing herein shall authorize or empower the said Company to lay down or place any pipe or other works into, through, or against any build-

ing, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof; except that the said Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe, in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

Notice to be served on persons having control, &c., before breaking up streets or opening drains.

III. Before the said Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Municipal Commissioners for the Town of Calcutta, or other persons under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work; except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Streets or drains not to be broken up, except under superintendence of persons having control of the same.

IV. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate; and such Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain. Provided always, that, if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

If persons having the control, &c., fail to superintend, Company may proceed with the work.

Streets, broken up to be re-instated without delay.

V. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and re-instate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up; and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for delay in re-instating streets.

VI. If the said Company open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorized to perform such works without any superintendence or notice; or if the said Company make any delay in completing any such work, or in filling in the ground or re-instating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

In case of delay, other parties may re-instate, and recover the expenses.

VII. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed; and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall, in case of any dispute about the same, be ascertained and recovered, in Calcutta and in any other Town or place subject to the jurisdiction of any of Her Majesty's Courts of Judicature, in the manner in which expenses are ascertained and recovered under Act XIV of 1856, and in any Town or place not within the jurisdiction of any of Her Majesty's Courts, in the same manner as damages are recoverable under this Act.

Expense how to be ascertained and recovered.

Power to enter buildings for ascertaining quantity of Gas consumed.

VIII. The Clerk, Engineer, or other Officer duly appointed for the purpose by the said Company, may, at all reasonable times, enter any buildings or place lighted with Gas supplied by the said Company, in order to inspect the meters, fittings, and works for regulating the supply of Gas, and for the purpose of ascertaining the quantity of Gas

consumed or supplied; and if any person hinder such Officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

Recovery of rents due for Gas.

IX. If any person supplied with Gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, neglect to pay the rent due for the same to the said Company, the said Company may stop the Gas from entering the premises of such person, by cutting off the service-pipes, or by such means as the said Company shall think fit, and recover the rent due from such person, together with the expenses of cutting off the Gas, by action in any Court of competent jurisdiction.

Power to take away pipes when supply of Gas discontinued.

X. In all cases in which the said Company are authorized to cut off and take away the supply of Gas from any house or building or premises under the provisions of this Act, the said Company, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the said Company.

Meters not liable to distraint for rent, &c.

XI. Any meter or fitting let for hire by the said Company shall not be subject to distress for rent or revenue, or any rate due upon the premises where the same may be used, nor be taken in execution under any process of a Court of law or equity, or any proceeding in Insolvency against the person in whose possession the same may be.

Penalty for fraudulently using Gas.

XII. Every person who shall lay, or cause to be laid, any pipe to communicate with any pipe belonging to the said Company, without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the Gas supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the Gas, or shall supply any other person with any part of the Gas supplied to him by the said Company, shall forfeit to the said Company the sum of fifty rupees for every such offence, and also the sum of twenty rupees for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the said Company may take off the Gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for wilfully damaging pipes.

XIII. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying Gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the Gas supplied by the said Company, shall, for each such offence, forfeit to the said Company any sum not exceeding fifty rupees, in addition to the amount of the damage done.

Satisfaction for accidentally damaging pipes.

XIV. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Company, or under their control, shall pay such sum of money by way of satisfaction to the said Company for the damage done, not exceeding fifty rupees, as any Magistrate shall think reasonable.

Penalty for causing water to be corrupted.

XV. If the said Company shall at any time cause or suffer to be brought, or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying Gas, or shall wilfully do any act connected with the making or supplying of Gas, whereby the water in any such stream, reservoir, aqueduct, pond, or place for water, shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees; and they shall forfeit an additional sum not exceeding five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company, by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby; and such penalties shall be paid to such last-mentioned person.

Daily penalty during the continuance of the offence.

Daily penalty during escape of Gas after notice.

XVI. Whenever any Gas shall escape from any pipe laid down or set up by or belonging to the said Company, they shall, immediately after receiving notice thereof in writing, prevent such Gas from escaping; and in case the said Company shall not, within twenty four hours next after service of such notice, effectually prevent the Gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of fifty rupees for each day during which the Gas shall be suffered to escape, after the expiration of twenty-four hours from the service of such notice.

Penalty if water be fouled by Gas.

XVII. Whenever any water shall be fouled by the Gas of the said Company, they shall forfeit to the person whose water shall be so fouled, for every such offence a sum not exceeding two hundred rupees, and a further sum, not exceeding one hundred rupees for each day during which the offence shall continue, after the expiration of twenty-four hours from the service of notice of such offence.

Power to examine Gas-pipes to ascertain cause of water being fouled.

XVIII. For the purpose of ascertaining whether such water be fouled by the Gas of the said Company, the person to whom the water supposed to be fouled shall belong, may dig up the ground, and examine the pipes, conduits, and works of the said Company; provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice in writing to the said Com-

pany of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road, pavement, or place where such digging is to take place, and they shall be subject to the like obligation of re-instating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company, for the purpose of laying their pipes.

Expenses to abide result of examination.

XIX. If upon any such examination, it appear that such water has been fouled by any Gas belonging to the said Company, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the said Company; but if upon such examination it appear that the water has not been fouled by the Gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

How expenses to be ascertained.

XX. The amount of the expenses of every such examination and repair, and of any injury done to the said Company, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in Section VII of this Act.

Liability to indictments for nuisance.

XXI. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of making or supplying Gas.

Copies of the original Deed of Association and of all Rules, &c. to be kept for inspection at the Office of the Company in Calcutta and in the Office of the Registrar of Joint Stock Companies or the Keeper of the Records of the Supreme Court at Fort William.

XXII. A copy of the original Deed of Association of the said Company, and of every other instrument registered under the said "Joint Stock Companies' Act, 1856," as constituting the Regulations of the said Company, and a copy of every special resolution of a General Meeting whereby any change shall have been, or at any time shall be made in the Regulations of the said Company, shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office; and a copy of such original Deed of Association, and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the Office of the Registrar of Joint Stock Companies, or, if there be no such Officer, in the Office of the Keeper of the Records of the Supreme Court of Judicature at Fort William, and shall there be filed; and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the Keeper of the Records of the said Supreme Court, shall be good and sufficient evidence of each such original Deed, instrument, or special resolution, in all actions, suits, and proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice or before any Magistrate, or Revenue or other Officer, and whether acting judicially or in any proceeding preliminary to a judicial inquiry, throughout the Territories of the East India Company.

Service of process.

XXIII. All services of mesne or other process, and all notices whatsoever, which, by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given, in addition to all ways and means by which the same may otherwise be legally made, served, and given, by leaving the same addressed to the Managing Agent of the said Company at the Office in Calcutta of the said Company.

Recovery of penalties &c.

XXIV. All penalties and forfeitures imposed by this Act, and all damages and expenses the recovery of which is not specially provided for, may be recovered by summary proceeding before a Magistrate.

Levy by distress.

XXV. All penalties, forfeitures, damages, and expenses adjudged due under this Act, if the amount be not otherwise paid, may be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained; or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures, damages, or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage, or expenses may sue the person liable to pay the same in any Court of competent jurisdiction.

No distress unlawful for want of form, &c.

XXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Intrepretation.

XXVII. The following words and expressions used in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include a corporation, whether aggregate or sole.

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place.

The word "Magistrate" shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the powers of Magistrate, acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 21st February 1857.

THE following Bill was read a second time in the Legislative Council on the 21st February 1857, and was referred to a Select Committee who are to report thereon after the 25th of April next :—

A Bill to amend the Law regarding the provision of carriage and supplies for Troops and Travellers, and to punish unlawful impressment.

Preamble.

WHEREAS the habitual impressment by the Civil Power, under the Regulations in force in the Presidency of Fort William in Bengal, of carts, cattle, boats, boatmen, and bearers, in order to facilitate the passage of troops through the Districts of that Presidency, is unnecessary and oppressive ; and whereas such impressment is always liable to abuse, and therefore should never be resorted to except on occasions of emergency, when it may be impossible, even by the offer of more than the common rates of hire, to procure sufficient carriage in time to meet the emergency ; and whereas it is unnecessary to authorize travellers to require the assistance of Officers of Police in procuring means of transport, or supplies of provisions or of other articles during their journeys, and such assistance, when given, is oppressive, and liable to abuse : It is enacted as follows :—

Laws repealed and modified.

I. Sections II and VIII, and Clause 7 Section IX of Regulation XI of 1806 of the Bengal Code are repealed. Sections III, IV, VI, and VII of the said Regulation, and Regulation VI of 1825, of the same Code are modified, and their operation restricted in the manner following.

Collectors, Magistrates, &c., prohibited from impressing all means of transport, except as hereinafter provided.

II. Except as hereinafter provided, all Collectors and Magistrates, and all Officers subordinate to them, are prohibited from impressing any carts, cattle, boats, boatmen, bearers, or any other means of transport whatsoever, for any purpose whatsoever ; anything in Regulation XI of 1806, or Regulation VI of 1825 of the Bengal Code to the contrary notwithstanding.

Punishment for subordinate Revenue or Police Officers impressing means of transport or workmen, and for enforcing delivery of provisions, &c. to travellers.

III. Whoever, being an Officer of Revenue or Police subordinate to a Collector or Magistrate, impresses or attempts to impress any cart, cattle, boat, boatman, bearer, cooly, or other means of transport contrary to the provisions of this Act, or otherwise without authority of law ; or impresses or attempts to impress any workman, laborer, or cooly, without authority of law ; or enforces or attempts to enforce the delivery of supplies of provisions or other articles to travellers or others, without authority of law—shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months, and shall also be liable to fine. And the conviction of an offender under this Section shall not bar the right of any person, directly or indirectly injured by any such illegal act, to redress by Civil action.

In cases of emergency, Military Officers in command of troops may, by an order, be authorized to require Collectors and Magistrates to aid in procuring carriage, supplies, &c.

IV. It shall be lawful for the Governor General of India in Council, and for any Lieutenant-Governor, and for any Chief Civil Officer of any Province under the immediate jurisdiction of the Government of India, within their respective jurisdictions, by an order stating that a case of emergency has arisen, and that it is impossible, even by the offer of double the common rates of hire and prices, to obtain the carriage, and to arrange for the provision of supplies for the troops required to meet the emergency, to authorize any Military Officer commanding a body or detachment of troops to call upon the Collectors and the Magistrates of Districts or places from, through, or near to which such troops are ordered to march, to aid in procuring all necessary carriage whether by land or water, and supplies, and to facilitate the progress of the troops through his jurisdiction by the preparation of boats, or temporary bridges instead of boats, when necessary for crossing streams upon the line of march. Upon the receipt of such requisition made in accordance with such order, all Collectors so called upon shall proceed in the manner prescribed by Section III Regulation XI of 1806 of the Bengal Code ; and all Magistrates so called upon shall proceed in the manner prescribed in Section VI of the same Regulation ; and thereupon the provisions of Sections III, IV, VI, and VII of the same Regulation, and the provisions of Regulation VI of 1825 of the aforesaid Code, shall apply to all Revenue and Police Officers, Landholders, Farmers, Tehsildars, or others having the management of land, and to all other persons concerned, in the same manner as if this Act had not been passed. Provided that no carriage shall be impressed, and no provision of supplies shall be made under this Section, other than or in excess of the quantity and description of carriage and supplies now or hereafter to be authorized by the General Orders of Government, according to the number and description of the troops moving.

On receipt of requisition, Collectors and Magistrates how to act.

Carriage and supplies not to be impressed and provided other than or in excess of the quantity and description authorized by the General Orders of Government.

Collectors and Magistrates may act in like manner as provided in the preceding Section, in cases of public disturbance, when troops are suddenly ordered to take the field and there is no time for applying for an order of Government.

V. Whenever it is certified to any Collector or Magistrate as aforesaid, by a Commanding Officer as aforesaid, that a body or detachment of troops under such Officer's command has been ordered suddenly to take the field, or to proceed to some place in order to preserve the peace of the country ; and that it is impossible, even by the offer of double the common rates of

hire and prices, to obtain the carriage, or to arrange for the provision of the supplies, or to make the preparations for facilitating the movement required to meet the emergency; and that there is not time to apply for the order described in Section IV of this Act; such Collector or Magistrate shall proceed in the manner prescribed in the said Section, in order to the obtaining of carriage, or the provision of supplies, or the preparations for facilitating the march, or any or all of these objects, as the case may be: and thereupon the provisions aforesaid of the Regulations aforesaid shall apply in the same manner as is in Section IV of this Act provided.

Operation of certain provisions of Regulation XI. 1806 to cease, except in the cases provided for in the two preceding Sections.

VI. Except in the cases provided for by Sections IV and V of this Act, the provisions of Sections III, IV, VI, and VII of Regulation XI of 1806, and of Regulation VI of 1825 of the aforesaid Code, shall cease to have any force or effect.

Rates of hire to be paid for carriage impressed or supplies provided under this Act.

VII. When carriage is impressed, or supplies of provisions and other articles are provided in the manner authorized by Section IV or Section V of this Act, such carriage, provisions, and other articles shall be paid for by the Civil Officer concerned at double the common rates of hire and prices current at the time and place. And in the case of carriage, the carts, cattle, boats, boatmen, or bearers shall be paid for from the day on which they are impressed; and the pay shall be the same for days on which the carriage is stationary as for the days on which it is in motion. And where it is customary to charge back-hire, such back-hire also shall be charged at double the current rate of the time and place. Impressed land carriage shall never, unless when it is unavoidable, be retained beyond the first halting place without the jurisdiction of the Civil Officer under whose authority it is impressed. Whenever land-carriage so impressed is retained, otherwise than by agreement, beyond the District in which it was impressed, a treble instead of a double rate of hire shall be paid for the time during which it may be so retained.

Collector to settle amount of hire, &c. in cases of dispute, and to fix the greatest weight to be carried by each cart, &c.

VIII. In all cases of dispute, the Collector of the District shall settle the amount of hire and other sums due, according to the last preceding Section. And in regard to carriage of all descriptions, the Collector shall fix beforehand the greatest weight to be carried by each cart, boat, man, or beast employed; which shall in no case exceed the loads commonly so carried according to the means of conveyance. If this load is exceeded, notwithstanding the remonstrance of the party aggrieved, a day's extra rate of hire, according to the common rate of the time and place, shall be paid to the party so aggrieved, for every day on which the load was in excess, by the Civil Officer concerned.

Extra rate of hire in cases of excess-load

Collectors to depute proper Native Officers to accompany the troops through their Districts.

IX. When a Collector issues an order under Section IV or Section V of this Act, he shall be held strictly responsible for the selection of a proper person as the creditable Native Officer whom he is required by Section III Regulation XI of 1806 to depute to accompany the troops through his jurisdiction. The Native Officer so deputed shall be paid in no case at a rate of less than one Rupee a day, commencing on the day of his first employment, and continuing to the time of his discharge, with such travelling allowance as may be authorized for Revenue Officers of his class. When more than one Regiment moves in a body, there shall be one such Officer deputed for each Regiment, or part of a Regiment so moving. It shall be a part of the duty of such Officer to make such payments as he may be authorized by the Collector to make; to take care that the loads fixed by the Collector are in no case exceeded; and to hear all complaints made by the men impressed for carriage, and to redress them, when well founded, if he can; or otherwise to report them to the Military Officer in charge of the baggage or to the Officer commanding the troops, and finally, if not then redressed, to the Collector.

Territorial scope of Act.

X. This Act shall extend to all the Districts of the Presidency of Fort William in Bengal; and to all other Provinces under the administration of the Lieutenant-Governor of Agra, or the Lieutenant-Governor of Bengal; and to all Provinces under the immediate administration of the Governor General of India in Council; and this Act shall commence to have effect on and from the day of 1857.

Commencement of Act.

W. MORGAN,

Clerk of the Council.

Notifications, Appointments, &c.

No. 439.

Fort William, Home Department,

The 28th February 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to permit Mr. A. W. Begbie to resign the East India Company's Civil Service, from the 1st May next.

No. 440.

Mr. T. Garrett assumed charge of the Office of Deputy Post-master General at Calcutta on the 26th Instant.

No. 441.

The 3rd March 1857.

Messrs. C. W. Mackillop, A. E. Russell, and J. C. Dodgson, of the Civil Service, reported their departure for England by the Steamer *Hindoostan*, which Vessel was left by the Pilot at Sea on the 24th Ultimo.

CECIL BEADON,

Secy. to the Govt. of India.

No. 981.

Fort William, Foreign Department,
The 27th February 1857.

Mr. A. H. G. Block, Deputy Commissioner, is appointed Marriage Registrar for the district of Sultanpore, in Oudh.

No. 982.

Captain A. G. Forsyth, Second in Command of the 6th Infantry Regiment, Gwalior Contingent, is placed at the disposal of His Excellency the Commander-in-Chief, consequent on promotion.

No. 983.

Assistant Surgeon F. S. Sillifant, appointed to the Medical charge of the 4th Regiment of Infantry, Sindiah's Contingent, arrived at Gwalior on the 16th Instant.

No. 984.

Lieutenant Colonel P. Harris, Commandant of the 5th Regiment of Infantry, Gwalior Contingent, has obtained leave of absence on Medical Certificate, for two months, from the 1st Proximo, to visit Calcutta, preparatory to applying for furlough to Europe.

No. 985.

Captain J. W. Younghusband, Captain of Police in the Punjab, Derajat, has obtained leave of absence from the 5th August 1856, the date of his return to India from furlough, to the 1st November last, the date on which he rejoined his appointment.

No. 986.

Captain J. W. Bristow, Officiating Deputy Commissioner in the Punjaub, has obtained leave of absence, under the Military Rules, for 3 months, in extension of the leave granted to him in G. O. dated 23rd Ultimo, No. 337, to enable him to proceed to Bombay, preparatory to applying for further leave to Europe on Medical Certificate.

Lieutenant H. B. Urmston, Assistant Commissioner in the Punjab, has passed an examination for the higher standard.

No. 987.

The 2nd March 1857.

Dr. T. Mathew is appointed to the Medical charge of the Station of Dhurmsala.

No. 988.

Lieutenant J. R. G. Magrath, Assistant Commissioner of Nagpore, has obtained leave of absence, on Medical Certificate, for two months from the 2nd November last.

Mr. J. H. Master, Assistant Commissioner of Nagpore, has obtained leave of absence, under Section XII. of the Revised Civil Absentee Rules, for one month, from the 1st Ultimo.

No. 989.

The leave of absence for two months, on urgent private affairs, granted by the Chief Commissioner in the Punjab to Lieutenant Colonel H. B. Edwardes, C.B., is confirmed.

Lieutenant Colonel J. Nicholson, Deputy Commissioner, Peshawur, will officiate as Commissioner of the Division, during Colonel Edwardes' absence.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 286.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 19th February 1857.—Baboo Satcowry Roy, to be a Deputy Collector under Regulation IX. of 1833, and to be attached to the 3rd or Eastern Division of the Revenue Survey with the full powers of a Collector under Regulations VII. of 1822, and IX. of 1825 in the Districts of Dacca, Mymensing, Furreedpore, Backergunge, Tipperah and Sylhet.

The 23rd February 1857.—Mr. S. C. Amesbury, to be Civil Assistant Surgeon of Dinagepore.

Baboo Brojonauth Carfirma, to be Sub-Assistant Surgeon of Pubna.

The 27th February 1857.—Mr. E. Grey, to be in charge of the Sub-Division of Cutwa, and to exercise the special powers of an Assistant to a Magistrate, described in Clause 3, Section II., Regulation III. of 1821, and the powers of an Assistant Collector described in Section 21, Regulation VIII. of 1831, in the districts of Nuddea, Burdwan, and Beerbhoom.

Mr. J. A. Crawford, to be Assistant to the Magistrate and the Collector of Hooghly.

The Reverend C. W. Cahusac, to officiate as Chaplain of Barrackpore.

Leave of Absence.—The 19th February 1857.—Mr. H. Walker, Professor of Anatomy and Physiology in the Medical College, from the 5th to the 15th of April next, under the Rules applicable to Military Officers, in Staff employ.

Mr. R. O'Shaughnessy, Professor of Surgery in the Medical College, from the 23rd March to the 15th of April next, under the Rules applicable to Military Officers, in Staff employ.

The 27th February 1857.—The Reverend C. J. Quartley, Chaplain of Barrackpore, for eighteen months, on Medical Certificate, under Section XI. of the new Military Furlough Rules.

The privilege leave of absence, for one month, granted by the Lord Bishop of Calcutta, to the Reverend E. K. Maddock, Chaplain of St. James' Church, is confirmed.

E. H. LUSHINGTON,
In charge of the Office of the Secretary to the Govt. of Bengal at the Presidency.

No 26.

Fort William, Public Works Department,

PUBLIC,

The 2nd March 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to confirm, the grant by the Chief Commissioner of the Punjab, of one month's leave, on Medical Certificate, from the 15th October to the 15th November 1856, to Lieutenant D. W. Martin. Assistant Executive Officer Lower Umballa Division, in extension of the leave granted to that Officer in Notification No. 140 of the 6th August last.

W. E. BAKER, *Lieut.-Col.*,
Secy. to the Govt. of India.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 22 E. of 1857.

Judicial Department,

Head Quarters, the 26th February 1857.

Leave of Absence.—Assistant Surgeon R. S. Thring, M. D., for one month, from 15th Proximo, preparatory to proceeding to Europe, on Medical certificate.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 820 of 1857.

Revenue Department,

Agra, the 23rd February 1857.

Leave of Absence.—Race Ramsurrun Doss, Deputy Collector under Regulation IX. of 1833, in Zillah Dehlee, for ten days, *viz.* from the 9th to the 18th February 1857, under Section VI. of the Uncovenanted Leave Rules.

No. 843 of 1857.

The 24th February 1857.

Notification.—Mr. W. Johnson, Officiating Deputy Collector and Deputy Magistrate of Benares, is restored to the first grade of Deputy Collectors from this date.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 27th February 1857.

No. 331 *of* 1857.—Under instructions from the Hon'ble the Court of Directors, the Right Hon'ble the Governor General of India in Council is pleased to direct that the Staff Salary of the Pay Master and Superintendent of Native Pensioners Barrackpore Circle, shall be reduced to Rupees (250) two hundred and fifty per mensem.

Fort William, 2nd March 1857.

No. 332 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment as a special case :—

Captain W. W. Aubert, of the 34th Regiment Native Infantry, to be Pay Master and Superintendent of Native Pensioners Barrackpore Circle, *vice* Major Jervis.

No. 333 *of* 1857.—The under-mentioned Non-Commissioned Officers, having passed the prescribed examination, are appointed to officiate as Sub-Conductors in the Ordnance Commissariat Department, from the 14th Ultimo, leaving the dates of their Warrant for future adjustment :—

Magazine Serjeant James Parker, acting temporarily as a Sub-Conductor in the Arsenal of Fort William, and now doing duty in the Agra Magazine.

Serjeant G. H. Manvill, Garrison Engineer's Department, Fort William.

No. 334 *of* 1857.—The Order issued by the Officer Commanding at Dera Ishmael Khan, dated the 23rd January 1857, directing Assistant Surgeon F. Powell, of the 3rd Sikh Infantry, to afford Medical aid to the Right Wing of the 4th Punjaub Cavalry, arrived in course of Relief, in addition to his own duties, is confirmed.

No. 335 *of* 1857.—Conductor Henry Shaw, of the Ordnance Commissariat Department, attached to the Arsenal Establishment, is allowed leave of absence for two months, to proceed to Sea on Medical Certificate.

No. 336 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointments :—

PUNJAUB IRREGULAR FORCE.

3rd Infantry.

Lieutenant A. U. F. Ruxton, Adjutant, to be Second in Command, *vice* Captain Smith, who has obtained extension of leave, and consequently forfeited his Staff appointment.

Lieutenant J. Gillespie, Acting Adjutant, to be Adjutant, *vice* Lieutenant Ruxton, promoted.

REGIMENT OF SIKH INFANTRY.

4th Infantry.

Lieutenant J. N. B. Hewett, of the 17th Regiment Native Infantry, to do duty, *vice* Lieutenant Smith, and to act as Adjutant, during the leave of absence of Lieutenant Wheeler.

No. 337 *of* 1857.—The services of Lieutenant C. H. Ricketts, of the 5th Regiment Madras Light Cavalry, Adjutant of Cavalry Nagpore Irregular Force, are placed temporarily at the disposal of the Government of Fort St. George for Regimental duty.

No. 338 *of* 1857.—The leave of absence, for fifteen months, to proceed to Sea and the Cape of Good Hope on Medical Certificate, under the new Regulations, granted to Major General H. F. Salter, C. B., of Cavalry, in Government General Order No. 183 of the 31st January 1856, is extended for a period of three months to enable him to proceed thence to Europe on the same account.

No. 339 *of* 1857.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor of Bengal, are published in General Orders :—

Appointment, 16th February 1857.—Major J. Butler, to officiate as Deputy Commissioner of Assam.

Leave of Absence, 16th February 1857.—Major H. Vetch, Deputy Commissioner of Assam, for two months, on Medical Certificate, under the Rules applicable to Military Officers in Staff employ, preparatory to applying for Furlough to proceed to Europe.

The 17th February 1857.—Civil Assistant Surgeon G. N. Check, of Bancoorah, for one month and three days, under the Rules applicable to Military Officers in Staff employ, in extension of the leave granted to him on the 11th of September last.

No. 340 *of* 1857.—The following Notification, issued by the Hon'ble the Lieutenant-Governor North-Western Provinces, is published in General Orders :—

No. 351 A., *dated 20th February* 1857.—*Appointment.*—Lieutenant C. K. M Walter, 73rd Regiment Native Infantry, to officiate as 1st Assistant to the Commissioner of Ajmere.

Fort William, 3rd March 1857.

No. 341 *of* 1857.—The Order issued by the Officer Commanding at Asnee, dated 12th January 1857, placing Assistant Surgeon F. F. Dukes, of the 5th Punjaub Cavalry, in Medical Charge of Detachments of the 1st Sikh Infantry which arrived to relieve detachments of the 4th Police Battalion, is confirmed.

No. 342 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on furlough, on private affairs :—

Captain Byam Martin Loveday, of the 15th Regiment Native Infantry, ...	For two years, under the new Regulations.

No. 343 *of* 1857.—The following Order, issued by the Government of Bombay, is confirmed :—

No. 133 *dated* 31*st January* 1857.—Granting leave of absence to Europe, on Medical Certificate, to Captain G. Nightingale, 18th Madras Native Infantry, Commandant of the 4th Regiment of Cavalry, Hyderabad Contingent, ...	For fifteen months, under the new Regulations.

No. 344 *of* 1857.—The under-mentioned Officer of the Infantry is promoted to the rank of Captain by Brevet, from the date expressed opposite to his name :—

50th Regiment Native Infantry.

Lieutenant George Robert Pratt Barlow, ...	3rd March 1857.

No. 345 *of* 1857.—The under-mentioned Officer has returned to his duty on this establishment without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Fort William.
Surgeon Anthony Beale, of the Medical Department, ...	28th Feb. 1857.

No. 346 *of* 1857.—The under-mentioned gentleman is admitted to the service, in conformity with his appointment by the Hon'ble the Court of Directors, as an Assistant Surgeon on this Establishment :

	Date of Arrival at Fort William.
Medical Department.	
Mr. William Eddowes, ...	2*nd March* 1857

No. 347 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captain Edward Thompson, of the 1st Regiment Native Infantry, ...	For three years, under the old Regulations.
Captain Robert Campbell Barclay, of the 68th Regiment Native Infantry, ...	For three years under the old Regulations.

No. 348 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on Sick Certificate :—

Brevet Major John Harley Maxwell, of the Corps of Engineers, Executive Engineer Sealkote Division of Public Works, ...	For three years, under the old Regulations.
Brevet Major Francis Claude Burnett, of the Regiment of Artillery, ...	For three years, under the old Regulations.
Lieutenant John Fombelle Templer, of the 3rd European Regiment, ...	For three years, under the old Regulations.

No. 349 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotion and alteration of rank :—

10th Regiment Native Infantry.

Ensign Horace Albert Browne, to be Lieutenant, *vice* Lieutenant Edward Sampson Whish, transferred to the Invalid Establishment, with rank from the 23rd November 1856, for the augmentation.

Alteration of rank.

Rank and Name.	To rank from	In whose room.
Lieutenant J. R. Simpson	9th July 1856,	Lieutenant E S Whish, transferred to the Invalid Establishment.

No. 350 *of* 1857.—Captain and Brevet Major James Gordon, of the 3rd Regiment Light Cavalry, is permitted to retire from the Service of the East India Company, on the Pension of a Lieutenant-Colonel, from the date of sailing of the Ship *Queen*.

No. 351 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Captain James Pattle Beadle, of the Corps of Engineers, Superintendent of Embankments Department of Public Works, Lower Provinces .	For fifteen months, under the new Regulations.

This cancels the furlough to Europe on private affairs granted to Captain Beadle, in Government General Order No. 1506 of the 5th December 1856.

No. 352 *of* 1857.—The services of Assistant Surgeon C. R. Francis, M. B., are placed at the disposal of the Hon'ble the Lieutenant-Governor of the North-Western Provinces.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India,
in the Mily. Dept.

Opium Notification.

NOTICE is hereby given, that the third Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall, on Friday, the 13th March 1857, at 11 A. M., and will comprize 3,655 Chests, *viz.* :

	Chests.
Behar Opium	2,540
Benares ditto	1,115
Total Chests ..	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 18th and 28th March 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Wednesday, the 18th March 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Saturday, the 28th March 1857.

4. In addition to the quantity above advertized for Sale, the following quantities, more or less of Behar and Benares Opium of 1855-56, will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 13th April 1857	2540	1115	3655
On or about Monday, 11th May ,,	2540	1115	3655
On or about Wednesday, 10th June ,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday, 10th August ,,	2540	1115	3655
On or about Friday, 4th September ,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thursday, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2539	1141	3700
	22879	10061	32940

By order of the Board of Revenue,

EDW. LUSHINGTON,

Junior Secretary.

FORT WILLIAM, }
The 26th February 1857. }

Notice.

THE General Treasury will be closed on Tuesday, the 10th, Wednesday, the 11th, and Thursday, the 12th Proximo, on account of the Hindoo Holidays, Dole Jattra.

J. I. HARVEY,

GENERAL TREASURY, } *Sub-Treasurer.*
The 21st February 1857. }

NOTICE is hereby given, under orders of the Government of India, No. 902 dated 27th February 1857, that the sum of Company's Rupees 307-9-7 is in deposit in the General Treasury at the credit of R. Woodward, Esq., late a Civil Servant on the Bengal Establishment, which will be paid to Mr. Woodward or his Legal Representatives on their establishing their claims to the same to the satisfaction of the Sub-Treasurer.

J. I. HARVEY,

Sub-Treasurer.

FORT WILLIAM, }
General Treasury, }
The 3rd March 1857. }

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Half a Second (½s.) after Mean Noon.

FORT WILLIAM, }
The 28th February 1857. }

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One-and-half Seconds (1½s.) before Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.,*
Town Major.

FORT WILLIAM, }
The 2nd March 1857. }

Ecclesiastical.

CONFIRMATION.

THE Confirmation, notice of which was given, to be held at the Cathedral, on Wednesday, the 17th December last, but postponed in consequence of the illness of the Bishop, will now take place, with the Divine permission, at Saint Paul's Cathedral, on Tuesday, the 10th day of March next.

Divine Service to commence at 10 o'clock.

The Confirmation for Natives, fixed for the 19th of December last, but also postponed for the reason assigned, will now take place at the Cathedral, on Friday, the 13th day of March next.

The Service to commence at 10 o'clock.

WM. HY. ABBOTT,

Registrar and Secretary.

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on, and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the

Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.* :

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs, one cowrie, and one krantee share of the sum of Company's Rupees nine thousand and seventy-two, being the entire sudder jummah or Government Revenue chargeable on the said Estate ; that is, Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Bamongachee, Juggutdispore, Dhanookollah, Jonadhunpore, Ramnauthpore, Hurrydebpore, Bhadagovindpore, Joynogare, Earnogore, Malloopore, Buddinauthpore, and Kheunpookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Pooalee, Chuckhinda, and Nooabad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *viz.* Nij Kamdauree, Booraul, Rajarampore, Kasherepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgunge, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calcutta, three Mouzahs or Kismuts, *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No. 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the Indigo Factory is built, and also for the Nejabad lands thereto belonging; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3.—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,

H. SWINHOE, *Attorney.* *Master.*

CALCUTTA SUPREME COURT; *Master's Office, The 13th February* 1857.

TO BE peremptorily sold, pursuant to a decree of the Supreme Court of Judicature, at Fort William in Bengal, bearing date the Twenty-fifth day of July, One thousand Eight hundred and Fifty-five, made in a Cause wherein Prosono Coomar Tagore is Complainant, and Aushootosh Day, Sreemutty Nemoymoney Dossee, Sreemutty Sattomoney Dossee, and John Cochrane, are Defendants, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Friday, the sixth day of March next, at the hour of twelve o'clock, the following parcels of property : —

A moiety of the following Mouzahs or Villages, namely :

In Chuckla Sreenuggore in Zillah Nuddea a moiety of the Villages called Jogonauthpore Amdangah Gouresally Aditopore Sehalaparra Gholah Sorsadangah Chinapookeerah Nalabaiah Pateela (or Hoodapateela) Debgram Kharabaree Moorogacha Sreedhurpore Ghoja (Horakatty Dhakoorea Andoleepotha) Chundpore Nokaree (or Lakaree) Barebareah Bizrah Mirzapore Gatra Jangooleeah Ramkistopore Narainpore Mundlehaut Kuddumbgatchee Hajrapotha Panpore Neizrah (Neizdoor) Nondoshchinda Burda Khaum Julkar New Beel Esur Parnamee Mohul Adorea Mehal Manjdeah Kismut Jeelollah Mantcoomrah Tank Sumbhoo Kur's Garden small house and Nalculdangah Degur.

In Pergunnah Paungnoor in Nuddea aforesaid a moiety of the Villages called Neizseepore Parbuttypore Goorparah Noamuntpore Gillapole Kismut Naamunt Rabanbooroo Nandighat Jugpore Sumbhoogunge Mosoonda Maleeparah (or Analeepotah) Baliadanga Bediamundpore Rubna Goulnuddea Manjidea Bycauntpore Dorruppore Khamar Rajapore Narainpore Chundooriah Birmoporeah Haut Birmoporrah Kootubpore (or Kontakpore) Simrally Rooppore Nurroputtoparrah Ramessurpore Oochitpore Hurrispore Kastodangah Sobidpore Goopeenauthpore Nara Gazeepore Muddendeah Dhara Duttoparrah Kooroombaliah Hazarabaha Bellhally Ruggonathpore.

In Dhee Saumtah in Nuddea aforesaid a moiety of the Villages called Neiz Rooderpore Dhee Moolghur Choopunghur Dhoolee Kabaduah (or Kanoaduho) Chundunpore Tarkee (or Daurkee) Gowarrah (or Dukhin Gowariah) Sickree Rampore Satai Rastarah Degur Jeerungatcha (or Jeal-

gatcha) Essanuggur Etha Jogeer Hoodah Badanabhorim Mohisparrah Sollatun Kattee Bundoleah (or Bamunea) Bosutpore Paneesarah Naburim Modhulee Moheesa Kismis Dhonemasha Notebmundle's Mehal Assanund Annoye's Mehal Punchoo Gazee's Mehal Sircary Catchury House Handeepore Bazar Haddy Sirdar's Mehal Kannoye Gazee's Mehal Ramchand Perdhan's Mehal Roopchund Perdan's Mehal Dukty Nye's Mehal Sonatun Mitter's Mehal Essur Parray's Mehal Sooby Dookie's Mehal Sanbake Lokeshan Mehal Chundunpore Kartick Roy's Mehal Kerparain Perdan's Mehal and Luckhinarain Roy.

A moiety of all that Talook called Turruff Santipore. in Zillah Nuddea, all that upper-roomed Dwelling-house, with the parcel of land thereto belonging, containing by estimation nine Cottahs more or less, situate at Saumbazar in Calcutta, and bounded on the East by Cornwallis Street, on the West by a house and premises belonging to Suckmoy Dossee and Samasoondery Dossee, on the North by a house and premises belonging to Neelmaudhub Bose, and on the South by a Golah Battee belonging to the late Kistoram Bose.

All that Dwelling-house, together with the parcel of land thereto belonging, situate at Sootanooty, Saumbazar, in the Town of Calcutta, containing by estimation nine beegahs and seven cottahs, more or less, and bounded on the East, by a Company's public road, on the West partly by the property of Raja Radakant Deb and partly by the property of Ramhurry Ghose and Buddinauth Bose, on the North by a parcel of land belonging to Cossinauth Ghose, and on the South by the Company's Road called Bulloram Ghose's Street.

All that Garden, situate at Chitpore, Dhee Duckhin Pykeparrah, containing six beegahs and ten cottahs of ground, more or less.

All that Rum Distillery at Chitpore, aforesaid, called the Chitpore Rum Distillery, with the land thereto belonging.

Further particulars and Conditions of Sale may be had at the Master's Office, or of the Attorney for the Complainant.

W. MACPHERSON,

Master.

P. J. PAUL,

Attorney for the Complainant.

CALCUTTA, SUPREME COURT ; *Master's Office, The 20th February* 1857.

For Dacca and Assam.

A Steamer, with the Flat in tow, will be despatched on the 10th Instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine.

J. WOODLEY,

Clerk of the Govt. Boat Office.

The 2nd March 1857.

Calcutta University.

SUBJECTS FOR THE BACHELOR OF ARTS DEGREE EXAMINATION—1858.

I. LANGUAGES.

English.

Shakspeare	...	Macbeth.
Dryden	...	Cymon and Iphigenia. / Flower and the Leaf.
Addison	...	Essays from the Spectator.

Greek.

Sophocles	...	Antigone.
Herodotus	...	Book 7. Polymnia. / Book 8, Urania.

Latin.

Virgil	...	Æneid, Books 1 to 6.
Cicero	...	4 Orations against Catiline.

Hebrew.

Deuteronomy. Daniel I—VII.
Isaiah I—XXXIX. Proverbs.
Psalms I—XLI.

Arabic.

Ikhwán al Safa, Soyuti's Tarík al Kholfa.

Persian.

Sekandar Nameh, Abu-al-Fazl's Letters.

Sanskrit.

Kiratarjuniya, Viracharita.

Bengali.

Batrish Singhasan, Purush Parikhya, Mahabharat, Books 1 to 3.

Hindee.

Urdu.

The papers in each Language will include Questions on Grammar* and Idiom.

Sentences in each of the languages in which the Candidate is examined will be given for translation into the other Language.

II. HISTORY.

The principles of historic evidence as treated in Isaac Taylor's two works on the subject, or other similar books.

The History of England, (including that of British India,) to the end of 1815.

* For Sanskrit, instead of the older Grammars, such works as Ishwar Chandra Sharma's two Grammars, or that of Mr. Williams ; and for Bengali, Rammohun Roy's, Dr. Yates', or Shamachurn Sircar's Grammar, will be used in the Examination.

Elphinstone's History of India.

Ancient History, with special reference to the History of Greece to the death of Alexander, the History of Rome to the death of Augustus, and the History of the Jews.

The Historical Questions will include the Geography of the countries to which they refer.

III. Mathematics and Natural Philosophy.

Arithmetic and Algebra.

The ordinary Rules of Arithmetic.

Vulgar and Decimal Fractions.

Extraction of the Square-root.

Addition, Subtraction, Multiplication and Division of Algebraical Quantities.

Simple and Quadratic Equations, and questions producing them.

Algebraical Proportion and Variation.

Permutations and Combinations.

Arithmetical and Geometrical Progression.

Binomial Theorem.

Simple and Compound Interest, Discount, and Annuities for terms of years.

The nature and use of Logarithms.

Geometry.

The first six books of Euclid, and the eleventh book to Prop. XXI., with deductions.

Conic Sections.

Plane Trigonometry.

Solution of all cases of Plane Triangles.

The expression for the Area of a Triangle in terms of its sides.

Mechanics.

Composition and Resolution of Forces.

The Mechanical Powers.

The Centre of Gravity.

The general laws of Motion.

The motion of falling bodies in free space and down inclined planes.

Hydrostatics, Hydraulics, and Pneumatics.

Pressure of liquids and gases, its equal diffusion and variation as the depth.

Specific Gravity.

Description and explanation of the barometer, siphon, common pump, forcing-pump, air-pump, and steam-engine.

Optics.

Laws of Reflection and Refraction.

Formation of images by simple lenses.

Astronomy.

Elementary knowledge of the Solar System, including the phenomena of Eclipses.

IV. Physical Sciences.

Chemistry.

The Atmosphere, its general nature and condition ; its component parts—Oxygen and Nitrogen ; their properties, water and carbonic acid ; proportion of these substances in the air.

Chlorine and Iodine, as compared with Oxygen.

Water ; its general relation to the atmosphere and earth ; its natural states and relative purity ; sea water, river water, spring water, rain water, pure water ; effects of heat and cold on it ; its compound nature ; its elements.

Hydrogen ; its nature and proportion in water ; its presence in most ordinary fuels ; its product when burnt.

Sulphur, phosphorus, and carbon, generally.

Nitric acid, sulphuric acid, carbonic acid ; their elements.

Hydrochloric or muriatic acid.

Alkalies, earths, oxydes, generally.

Salts ; their nature generally ; sulphates ; nitrates ; carbonates.

Metals generally ; iron, copper, lead, tin, zinc, gold, silver, platinum, mercury.

Powers of matter ; aggregation ; crystallization ; chemical affinity ; definite equivalents.

Combustion ; flame ; nature of ordinary fuel ; chief results of combustion, *i. e.* the bodies produced.

Heat ; natural and artificial sources ; its effects ; expansion ; solids, liquids, gases, thermometer, conduction, radiation, capacity, change of form, liquefaction, steam.

Animal Physiology.

As contained in Knox's translation of Milne Edwards' Zoology, or other similar works.

Physical Geography.

Physical Geography, as contained in Hughes or any other similar work.

V. Mental and Moral Sciences.

Logic.

The Elements of Logic, as contained in Whately or any similar work.

Moral Philosophy.

Moral Philosophy, as contained in Wayland, Abercrombie, or any similar work.

Mental Philosophy.

Mental Philosophy, as contained in, Abercrombie, Dr. Payne, or any similar work.

By order of the Vice-Chancellor,

W. Grapel, M. A.,

Registrar.

Calcutta University,
The 2nd March 1857.

NOTICE.

In the event of these Dividends remaining unclaimed for six months from this date, they will be paid into the Court:—

In the Matter of John Hawkins Cockburn, an Insolvent.

Schedule of the First Unclaimed Dividend.

Names of Creditors.	Amount of Claim, Co.'s Rs.	1st Dividend at 18 per Cent., 7th June 1856.
Colins, C.	30 0 0	5 6 4
Issenchunder Chatterjee	350 0 0	63 0 0
Koocheel Tailor	30 0 0	5 6 4
Noor Khan	120 0 0	21 9 7
Pearymohun Shaw	26 2 0	4 11 3
Pearymohun Doss	10 0 0	1 12 10
Spence & Co., J.	24 0 0	4 5 2
Situlchunder Biswas	130 0 0	23 6 4
Thompson & Co., T.	17 0 0	3 0 11
Thacker, Spink & Co.	40 0 0	7 3 2
	Co.'s Rs. ...	139 13 11

E. E.

JOHN COCHRANE,
Official Assignee.

In the Matter of Charles Frith Dumoulin, an Insolvent.

Schedule of the First Unclaimed Dividend.

Names of Creditors.	Amount of Claim, Co.'s Rs.	1st Dividend at 33 5-4 per Cent., 7th June 1856.
Hanhart	6 0 0	2 0 0
Jaker Khan	125 0 0	41 10 8
Mendes & Co.	31 4 0	10 6 8
Ruggonauth Doss & Co.	68 13 0	22 15 0
Ramlochun Moody	22 9 0	7 8 4
Shaik Aram	11 4 0	3 12 0
	Co's Rs. ...	88 4 8

E. E.

JOHN COCHRANE,
Official Assignee.

Calcutta, 28th February 1857.

INSOLVENT COURT.

ASSIGNEE'S OFFICE NOTICE.

Pursuant to Act No. XXVII. of 1841.

NOTICE is hereby given, that in the event of no claim being established to the unclaimed Dividends hereunder mentioned within twelve months from this date, such Dividends will be distributed among such of the Creditors of the under-mentioned Insolvent Estates as shall have established their claim against such Estate respectively :—

ESTATE OF PALMER AND CO.

Names and descriptions as contained in the Schedule of the parties in respect of whose claims such Dividends are reserved.	Amount of Claims as per Schedule. Sa. Rs. As. P.	Amount of 12th Dividend at 14 Annas per Cent. Sa. Rs. As P.	Whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued.
Adams, J. W., Brigadier General, C. B. ...	53747 8 3	470 4 8	Proved.
Aitkin, Lieut. Robert, 6th Light Cavalry ...	2463 12 0	21 8 11	Ditto.
Allard, C. J., Monsr., Runjeet Sing's Service...	27730 0 0	242 10 2	Ditto.
Allen, Lieut. Peter, Artillery ...	288 4 0	2 8 4	Ditto.
Amelia, Cape of Good Hope ...	5527 12 0	48 5 10	Ditto.
Andrew, John ...	3345 0 0	29 4 3	Ditto.
Armstrong, Robert, Major ...	141 0 0	1 3 8	Ditto.
Auberjonois, Captain Francis ...	41 0 0	0 5 8	Ditto.
Auger, J. J., Junior ...	18 14 0	0 2 8	Not proved.
Auriot, Mrs. M., late Irvin ...	118 0 0	1 0 6	Ditto.
Backman, Conductor Gasper ...	755 10 0	6 9 9	Proved.
Baird, Robert ...	591 0 0	5 2 8	Ditto.
Baker, Mrs. Charlotte C. ...	1453 13 3	12 11 6	Ditto.
Baker, Thomas, Livery Stable-keeper ...	55144 8 0	482 8 2	Ditto.
Balfour, Francis ...	48371 2 2	423 3 11	Ditto.
Baboo Balgovin Misree (deceased) ...	9310 7 0	81 7 6	Ditto.
Barnes, Richard ...	72 0 0	0 10 2	Not proved.
Barraud, Isaac H. ...	272 0 0	2 6 1	Proved.
Battersby, Leslie ..	704 8 0	6 2 7	Ditto.
Bayard, Madame Aime ...	201 0 0	1 12 2	Ditto.
Beardsmore, Mrs. Elizabeth ..	83 13 0	0 11 8	Not proved.
Becker, Captain Robert ...	6149 0 0	53 12 11	Proved.
Bunnoo Beebee, Legatee of Capt. J. Williams	364 3 0	3 2 11	Ditto.
Bebee Farquharson *alias* Moha Bebee ...	5306 3 0	46 6 9	Ditto.
Beebee Fyzum Alston (deceased) ...	4654 0 0	40 11 6	Ditto.
Beebee Fyzum Nissah ...	2083 1 0	18 3 7	Ditto.
Beebee Madar Bux ...	4211 0 0	36 13 6	Ditto.
Beebee Mahundy Begum ...	3663 12 0	32 0 11	Ditto.
Beebee Munna (deceased) ...	3026 0 0	26 7 7	Ditto.
Beebee Nancy, Patna ...	9841 0 0	86 1 8	Ditto.
Beebee Nancy, Pensioner of Colonel W. Kirkpatrick ...	2857 9 0	25 0 0	Ditto.
Beebee Nunkee *alias* Bunnoo, Agra ...	4042 8 0	35 5 11	Ditto.
Beebee Nusibun Nissah ...	1486 5 0	13 0 0	Ditto.
Beebee Nonoo (deceased) and Daughter, Mrs. E Lucas ...	2009 8 0	17 9 3	Ditto.
Beebee Pearee ...	1000 0 0	8 12 0	Ditto.
Beebee Sophia ...	3030 0 0	26 8 2	Ditto.
Beebee Wilford *alias* Khanum Jaun ...	13497 14 0	118 1 8	Ditto.
Beers, Mrs. Lieut., late Miss M. Hodgkinson...	2925 7 0	25 9 6	Ditto.
Bell, Captain Charles H. ...	6495 14 8	56 13 5	Ditto.
Bell, Major George B. ...	24661 15 0	215 12 8	Ditto.
Bell, Mrs. Francis ...	323 0 0	2 13 2	Ditto.
Belvedere House ...	1300 10 0	11 6 1	Ditto.
Bere, Cornet E. B. ...	79 6 0	0 11 1	Not proved.
Besant, Lieut. T H. G. ...	230 0 0	2 0 2	Proved.

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Bigge, Lieut. J. R ...	527 8 0	4 9 10	Proved
Bird, Mrs. Eliza, late Morland ...	57 15 0	0 8 1	Not proved
Bissonauth Chatterjee, Jorehaut, Assam ...	1508 0 0	13 3 1	Proved.
Black, Lieut. and Colonel P. ...	660 3 0	5 12 5	Not proved.
Blechynden, James ...	7407 8 0	64 13 0	Proved.
Bletterman and Zeeman ...	135 0 0	1 2 11	Not proved.
Bluett, Ensign W H C. (deceased) ...	34 0 0	0 4 9	Proved.
Bluett, Mrs. Jane, widow ...	522 10 0	4 9 2	Ditto.
Bogie, Doctor William ...	750 0 0	6 9 0	Ditto.
Boilard, Julian, Junior ...	1031 0 0	9 0 3	Ditto.
Boustead, John ...	1330 0 0	11 10 2	Ditto.
Bowers, Trumpet Major Edward ..	1010 4 0	8 13 5	Ditto.
Brady, Captain Thomas ...	21006 13 9	183 12 11	Ditto.
Brown, Mrs. Charlotte, and Children ...	10978 7 0	96 0 11	Ditto.
Brown and Company, Calcutta Account ...	2201 6 0	19 4 2	Ditto.
Browne, Lieut.-General A.. Septe. Account...	454 13 0	3 15 7	Not proved.
Browne, Mrs. Colonel, late Mrs. C. M. Droz...	14833 11 9	129 12 7	Proved.
Buckingham, James S. ...	24 0 0	0 3 5	Not proved.
Bunce, Major G. ...	514 7 0	4 7 11	Proved.
Burn, Lieut. James ...	4636 0 0	40 9 0	Ditto.
Burrows, Children ...	10968 15 0	95 15 8	Not proved.
Burrows, Charles ...	2077 9 0	18 2 10	Proved.
Burt, Doctor T. W. ..	536 0 0	4 11 0	Ditto.
Canham, George ...	9125 14 0	79 13 7	Ditto.
Carter, Lieut W. C. ...	2011 0 0	17 9 6	Ditto.
Cazalet, C. R. ...	852 0 0	7 7 3	Not proved.
Charity Fund ...	18075 14 0	158 2 7	Proved.
Chesney, Captain C. C. (deceased) ...	6725 0 0	58 13 8	Ditto.
Child of the late Mrs. H. Graham ...	35966 15 5	314 11 4	Ditto.
Children of the late Lieut. W. Yates ...	12807 12 0	112 1 0	Ditto.
Chill, Commissary Samuel ...	5865 1 0	51 5 1	Ditto.
Christian, J. ...	352 0 0	3 1 3	Ditto.
Clarke, Thomas ...	5391 12 10	47 2 11	Ditto.
Cline, R. ...	142 0 0	1 3 11	Ditto.
Cocke, Major Archibald (deceased) ...	2860 10 0	25 0 5	Ditto.
Cockerell, Sir Charles, Bart. ...	1003 10 0	8 12 6	Ditto.
Cockerell, John ...	2208 3 0	19 4 7	Ditto.
Colebrooke, Major W. ..	716 0 0	6 4 3	Ditto.
Colhoun, James ...	41443 14 3	362 10 1	Ditto.
Collyer, Cornet Frederick, 5th Cavalry ...	376 4 0	3 4 8	Ditto.
Connell, Lieut. A. ...	4008 0 0	35 1 1	Not proved.
Conway, Lieut. W. D. ...	5839 0 0	51 1 5	Proved.
Cooke, Isaac, Reverend ...	4771 2 0	41 12 0	Ditto.
Cooper, L ...	6128 13 0	53 10 0	Ditto.
Corbyn, Miss Emma ...	42 0 0	0 5 11	Not proved.
Cox, Sub-Conductor Wm. and Mrs Ann ...	1085 3 0	9 7 11	Proved.
Cracroft, W. ...	537 0 0	4 11 2	Ditto.
Crawley, Captain W. J. (deceased) ..	1310 1 5	11 7 5	Ditto.
Crockett, Doctor Henry (deceased) .	77 9 0	0 10 10	Not proved.
Crommelin, Miss E. F. ...	1986 4 0	17 6 0	Proved.
Crossby, Captain John ...	506 8 0	4 6 10	Ditto.
Croxton, Lieut.-Colonel W. ..	1210 5 0	10 9 5	Ditto.
Croudace, Captain James ...	4981 0 0	43 9 4	Ditto
Crow, Nathan ...	575 0 0	5 0 6	Ditto.
Cunninghame, Colonel W ...	1810 5 0	15 13 5	Ditto.
Cockerell, Trail and Co, on account Glasgow Shippers ..	14255 13 1 / 11319 1 3	223 12 6	Ditto.
Dodd, Mrs. Eliza ...	111 14 0	0 15 8	Ditto.
Dalby, Lieut. G. H. M ...	83 0 0	0 11 7	Not proved
Dalston, Major F. ..	17316 0 0	151 12 6	Proved.
Darasha Cursetjee ..	225 0 0	1 15 6	Ditto
Davison, Major H P ...	1339 0 0	11 11 6	Ditto
Deane, Captain C ..	167 13 0	1 7 7	Not proved.
DeBruyn Lieut P V V. ...	63 0 0	0 8 10	Proved.

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DeBurgh, Captain H. ...	11414 7 0	99 14 0	Proved.
Debnauth Sandell ...	95140 11 0	832 7 8	Ditto.
Degumber Mookerjee ...	4763 0 0	41 10 10	Ditto.
Delanougerede, Lewis (deceased) ...	1727 8 0	15 1 10	Ditto.
DeMoor, P. J. ...	2167 7 0	18 15 5	Ditto.
Dennehy, Mrs. M. ...	4626 11 0	40 7 8	Ditto.
Derozario, Maria ...	194 4 1	1 11 3	Ditto.
Dew, Charles, Captain ...	3946 1 0	34 8 6	Ditto.
Dickson, Major R. L. ...	8209 0 0	71 13 4	Ditto.
Dighton, Henry, Madras Civil Service ...	53 0 0	0 7 5	Ditto.
Dixon, Lieut. C. G. ...	2012 0 0	17 9 8	Ditto.
Dixson, Lieut. Thomas ...	48 0 0	0 6 9	Ditto.
Doyly, J. F. ...	1245 9 0	10 14 4	Ditto.
Ducas, Alexander ...	1268 0 0	11 1 7	Ditto.
Dudman, Captain J., and Crew H. C. S. *Inglis*	1754 13 6	15 5 7	Ditto.
Dudman, Edward ...	293 0 0	2 9 1	Not proved.
Duff, Captain Jas. Grant ...	219 3 0	1 14 9	Proved.
Dumartray, A. ...	1278 7 8	11 3 0	Not proved.
Duncan, Colonel W. ...	11 0 0	0 1 6	Ditto.
Dursin Misr ...	670 5 0	5 13 9	Proved.
Eales, Reverend William ...	410 7 0	3 9 5	Ditto.
Eckford, Captain James ...	23 12 0	0 3 4	Ditto.
Ellis, Lieut. George ...	260 0 0	2 4 5	Ditto.
Emly, Lieut. Giles ...	4761 0 0	41 10 6	Ditto.
Erskine, Lieut. the Hon'ble E. T. ...	254 0 0	2 3 7	Ditto.
Estate of Wm. Palmer and Co. ...	5506 5 0	48 2 10	Ditto.
Estate of John Allan ...	9453 0 0	82 11 5	Ditto.
Estate of Captain J. Archdeacon ...	467 0 0	4 1 4	Ditto.
Estate of Lieut.-Colonel H. Bird ...	8265 0 0	72 5 1	Ditto.
Estate of D. Birrell ...	36 14 0	0 5 1	Not proved.
Estate of Captain J. Bontein ...	3648 0 0	31 14 9	Proved.
Estate of Reverend F. Christian & J. P. Ward	3512 0 0	30 11 8	Ditto.
Estate of R. Collins ...	3991 7 0	34 14 8	Ditto.
Estate of Sir Harry V. Darell, Bart. ...	145036 0 0	1269 1 1	Ditto.
Estate of Phillip Delisle ...	5058 13 0	44 4 2	Ditto.
Estate of Lieut.-Colonel John Duff ...	2022 0 0	17 11 1	Ditto.
Estate of Mahew Edwards ...	7218 6 0	63 2 6	Ditto.
Estate of Richard Foley ...	22096 0 0	193 5 6	Ditto.
Estate of Colonel R. Forbes ...	1130 3 0	9 14 2	Not proved.
Estate of Mrs. N. E. Forbes ...	16909 0 0	147 15 2	Proved.
Estate of Colonel G. Grant ...	4583 7 0	40 1 8	Ditto.
Estate of Colonel R. Grueber ...	25781 2 6	225 9 4	Ditto.
Estate of Colonel Thomas Hawkins ...	2411 10 8	21 1 6	Ditto.
Estate of Francis Le Gros ...	17591 13 0	153 14 11	Ditto.
Estate of J. F. Le Vasche ...	6322 6 0	55 5 1	Ditto.
Estate of Colonel Lucas in Trust for Beebee Fyzum ...	6778 8 0	59 4 11	Ditto.
Estate of Colonel D. Lyons ...	2052 13 4	17 15 4	Ditto.
Estate of Samuel Macqeough ...	4456 0 0	38 15 10	Not proved.
Estate of Captain T. Noton, for his son, Thomas Noton ...	608 8 0	5 5 2	Proved.
Estate of C. Oldfield ...	13780 0 0	120 9 2	Ditto.
Estate of General H. C. Palmer ...	25541 11 9	223 7 10	Ditto.
Estate of John G. Pengally ...	24185 8 0	211 9 11	Ditto.
Estate of W. Petrie, Civil Service ...	104 8 0	0 14 7	Not proved.
Estate of Captain G. Richardson ...	297 14 0	2 9 8	Ditto.
Estate of W. H. Robertson ...	2955 8 0	25 13 9	Proved.
Estate of Captain J. Scott ...	1605 15 0	14 0 9	Ditto.
Estate of W. B. Smith ...	5698 0 0	49 13 9	Ditto.
Estate of Major-General Charles Stuart ...	155724 7 0	1362 9 5	Ditto.
Estate of Colonel James Tetley ...	46 14 0	0 6 7	Ditto.
Estate of Perigrine Treves ...	4457 12 0	39 0 0	Ditto.
Estate of W. P. Wattell ...	2809 14 0	24 9 5	Ditto.
Evans, Mrs. Mary Deria ...	800 14 0	7 0 1	Ditto.

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Eyles and Bollen ...	3172 0 0	27 12 0	Proved.
Fagan, Colonel G. H. and C. ...	80 0 0	0 11 2	Not proved.
Fagan, Mrs. Maria ...	2990 9 0	26 2 8	Proved.
Family of Peat ...	2642 0 0	23 1 10	Ditto.
Family of the late Dr. James Robertson ...	199 0 0	1 11 11	Not proved.
Fane, Wm. ...	9847 0 0	86 2 7	Ditto.
Farmer, Lieut George ...	281 0 0	2 7 4	Ditto.
Farquharson, Lieut. George ...	3116 0 0	27 4 3	Ditto.
Fenwick, Robert ...	296 9 0	2 9 7	Ditto.
Ferry, Rowland (deceased) ...	183 2 0	1 9 7	Ditto.
Fisher, Lieut. Thomas ...	5484 0 0	47 15 10	Proved.
Fisher, Lieut. James ...	1435 0 0	12 8 11	Ditto.
Fisher, James Loudon ...	2281 14 9	19 15 5	Ditto.
Fitzgerald, Major Charles ...	37238 0 0	325 13 4	Ditto.
Fitzgerald, Captain John ...	2683 4 0	23 7 7	Ditto
Fitzgerald, C. M. ...	1161 10 0	10 2 7	Ditto.
Flynn, Serjeant William ...	492 14 0	4 5 0	Ditto.
Forbes, F. E. J., New South Wales ...	945 0 0	8 4 4	Not proved.
Forestier and Co. ...	136 0 0	1 3 0	Ditto.
Forty-Eighth Regt. N. I., General Account...	1743 9 0	15 4 1	Proved.
Frith, Richard ...	18949 7 0	165 12 11	Ditto.
Furneaux, Mrs. A. M. ...	58 8 0	0 8 2	Ditto.
Galonas, Demetrius (deceased) ...	25473 14 0	222 14 4	Ditto.
Gavin, Lieut. G. O. H., 16th Lancers ...	295 0 0	2 9 4	Ditto.
Gifford, Lieut. James, 2nd Regt. N. I. ...	622 12 0	5 7 1	Ditto.
Gilbert, Lieut.-Colonel W. R. ...	91 0 0	0 12 8	Ditto.
Glegg, Captain H. V. ...	894 0 0	7 13 2	Ditto.
Gobind Chund Ghose ...	2970 0 0	25 15 9	Ditto.
Golaub Tewarry, Pundit ...	405 0 0	3 8 8	Ditto.
Golledge, J., Junior (deceased)—Captain J. Gouldhawke, Executor ...	28735 11 7	251 7 0	Ditto.
Golledge, Isaac, Junior (deceased)—J. Palmer, Esq. ...	3963 13 8	34 10 11	Ditto.
Goodwin, C. N. ...	980 0 0	8 9 2	Ditto.
Gordon, Hugh, Manor, Aberdeen ...	7116 0 0	62 4 2	Ditto.
Gordon, Lieut.-General John ...	46 4 0	0 6 6	Not proved.
Gordon, Doctor J. J., Junior (deceased) ...	31621 0 0	276 10 11	Proved.
Grange, Lieut. R. G. ...	1024 0 0	8 15 4	Ditto.
Grant, Lieut. C., Artillery ...	471 0 0	4 1 11	Ditto.
Grant, Dr. Samuel ...	15695 0 0	137 5 4	Ditto.
Grant, J. H., Bencoolen ...	4709 0 0	41 3 4	Ditto.
Greenway, W. B., Administrator to Estate of Mr. A. M. ...	360 6 0	3 2 5	Not proved.
Greenwich Hospital ...	119 1 7	1 0 9	Ditto.
Grey, Major-General J. ...	2639 2 0	23 1 5	Proved.
Griffiths, Doctor John ...	9910 0 0	86 11 5	Ditto.
Groodoss Sein ...	120 4 0	1 0 9	Not proved.
Gungagobind Seil ...	766 13 2	6 11 4	Ditto.
Grueber, Lieut. R. (deceased) ...	3048 10 5	26 10 10	Proved.
Gunn, William James ...	12020 5 0	105 2 10	Ditto.
Hamerton, William H. ...	40 1 0	0 5 7	Ditto.
Hannon, Mrs. E. ...	1515 7 0	13 4 1	Ditto.
Haldimand, A. F. and Sons ...	11942 0 0	104 8 0	Ditto.
Harding, Mrs. M. A. ...	7577 5 0	66 4 10	Ditto.
Hardwicke, Major-General Thos., for Pensioners of Reverend J. Parsons, Trustees	10884 0 0	95 3 10	Ditto.
Hardy, Captain A. ...	22708 0 0	198 11 1	Ditto.
Harington, J. Edward ...	27625 0 0	241 11 6	Ditto.
Harris, Serjeant John (deceased) ...	978 8 0	8 9 0	Ditto.
Harrison, Captain J. ...	77 0 0	0 10 9	Not proved.
Harvey, Captain Thomas ...	3716 0 0	32 8 3	Proved.
Hawes, Major George ...	1191 7 8	10 6 10	Ditto.
Hawkins, Lieut. E. S ...	643 6 7	5 10 1	Ditto.
Hawtayne, Archdeacon John (deceased) ...	458 0 0	4 0 1	Not proved.

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Heathorn, Joseph L. ...	689 7 0	6 0 6	Proved.
Henderson, Reverend Joseph R. ...	16355 0 0	143 1 8	Ditto.
Henby, Mrs. E. ...	463 3 0	4 0 10	Ditto.
Hepburn, Mrs. A. ...	2552 0 0	22 5 4	Ditto.
Heyland, Lieut. A. R. ...	1153 0 0	10 1 5	Ditto.
Hindoostan Insurance Society ...	178 14 6	1 9 1	Ditto.
Hodgson, B. H. ...	143 0 0	1 4 1	Ditto.
Hogg, Charles ..	40 0 0	0 5 7	Ditto.
Hoggan, Miss M. ...	625 0 0	5 7 6	Ditto.
Holloway, W. P. ...	26 0 0	0 3 8	Not proved.
Homer, Arthur Ashton ...	15945 9 4	139 8 4	Proved.
Hopper, Captain Edward ...	1275 13 0	11 2 7	Ditto.
Howat, Richard ...	10211 14 0	89 5 8	Ditto.
Hudson, Ensign G. J. ...	438 12 0	3 13 5	Ditto.
Hume, Mrs. Mary ...	218 0 0	1 14 6	Ditto.
Humphries, Drummer James, 3rd Buffs ...	536 2 0	4 11 1	Ditto.
Hunter, Lieut. William ...	3221 4 10	28 2 11	Ditto.
Husnoo, Sheik, Dinapore ...	5092 12 0	44 9 0	Ditto.
Huthwaite, Lieut. E. W. ...	514 0 0	4 7 11	Ditto.
Innes, Lieut.-Colonel William ...	13112 0 0	114 11 8	Ditto.
Irving, Reverend John ...	161 0 0	1 6 6	Ditto.
Isaacke, Captain William ...	25 0 0	0 3 6	Not proved.
Isser Chunder Ghose ...	3438 0 0	30 1 4	Proved.
Java Government ...	32361 0 0	283 2 7	Ditto.
Jennings, W. R. ...	540 10 0	4 11 8	Ditto.
Jenner, Ensign B. W. R. ...	308 0 0	2 11 1	Ditto.
Joaquim, Fre de Maria ...	1480 0 0	12 15 2	Ditto.
Joakim, Fre de Maria, Executor to Estate of Mrs. L. C. Former ...	2107 9 0	18 7 0	Ditto.
Johnson, C. W. ...	21071 0 0	184 6 0	Ditto.
Johnson, Daniel ...	9482 0 0	82 15 5	Ditto.
Johnson, Captain Henry ...	62 0 0	0 8 8	Ditto.
Johnston, Lieut. S. G. ...	1485 5 0	13 0 0	Ditto.
Johnston's Children, J. R., Colonel, F. J. T....	23379 11 0	204 9 1	Not proved.
Jones, R. (deceased) ...	204 13 0	1 12 7	Ditto.
Joseph, Miss M. J. ...	2542 12 0	22 4 0	Proved.
Jump, Captain R. and Crew H. C. Steamer *Ganges* ...	2301 5 1	20 2 2	Ditto.
Kellie, John (deceased) ...	19 7 0	0 2 8	Not proved.
Kemball, Doctor Vero ...	2985 12 0	26 2 0	Proved.
Kellion, Sub-Conductor Richard ...	973 10 0	8 8 4	Ditto.
King, Doctor George ..	7356 2 0	64 5 10	Ditto.
King, James (deceased) ...	68361 11 0	598 2 7	Ditto.
King, James D. (deceased) ...	2532 0 9	22 2 5	Ditto.
Kirwan, Mrs. Amelia St. G., late Dyer ...	12352 15 0	108 1 5	Ditto.
Kissen Doss, of Hyderabad ...	13 2 0	0 1 10	Not proved.
Kittoria Narcis ...	3245 0 0	28 6 4	Proved.
Knyvett, Lieut. Arthur ...	179 14 0	1 9 2	Ditto.
Knyvett, Lieut. F. ...	1436 0 4	12 9 0	Ditto.
Kruseman, J. D. ...	19407 0 0	169 12 11	Ditto.
Lafond, Mr. and Mrs. ..	90080 12 6	788 3 3	Ditto.
Laing, John W. ...	2982 0 0	26 1 5	Ditto.
Latter, Lieut.-Colonel Robert J. ...	231 6 0	2 0 4	Ditto.
La Touche, Captain Peter ...	2806 0 0	24 8 10	Ditto.
Learmouth, Lieut. A. ...	999 0 0	8 11 10	Ditto.
Leech, Miss Agnes and W. H. ...	2122 2 6	18 9 0	Not proved.
Legatees of Lieut. E. E. Williams ...	737 14 0	6 7 4	Ditto.
Leith, Conductor George ...	3431 0 0	30 0 4	Proved.
Lethbridge, Wm. F. ...	16614 0 0	145 5 11	Ditto.
Lethbridge and Wallace ...	465 0 0	4 1 1	Ditto.
Litchfied, Qr. Mr. Serjeant C. W. ...	2900 0 0	25 6 0	Ditto.
Litster, Thomas ...	16408 0 0	149 9 1	Ditto.
Little, A. and J., and Company ...	418 12 6	3 10 7	Ditto.
Lloyd, Mrs. Sarah L. ...	20618 3 0	180 6 6	Ditto.

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Lloyd, Major George W. A. ...	1841 0 0	16 1 9	Proved.
Loch, Mrs. Elizabeth ..	1691 3 0	14 12 8	Not proved.
Loch, Mrs. E., Executrix to Estate of Wm. Loch	488 14 6	4 4 5	Ditto.
Loche, Captain R. and Crew H. C. S. *Duke of York* ...	1123 12 11	9 13 4	Proved.
Loveday, Ensign Wm. ...	165 15 2	1 7 3	Ditto.
Low, Captain William ...	5955 0 0	52 1 8	Ditto.
Liming, Gogel and Company ...	62 14 0	0 8 10	Not proved.
Lyall, Lieut. Henry ...	428 0 0	3 11 11	Proved.
Macreight, Mrs. Caroline, late Miss Paxton...	6427 15 0	56 3 11	Ditto.
McArthur, John Sadler ...	137 5 6	1 3 3	Not proved.
McDonald, Ensign John ...	191 0 0	1 10 8	Proved.
McDougal, Ensign A. ...	115 10 0	1 0 2	Not proved.
McFarlane, General R. ...	264 11 0	2 5 0	Proved.
McGregor, Mrs. Sarah ..	46234 6 7	457 2 11	Ditto.
McKenly, Lieut. H. C. ...	50 5 0	0 7 0	Not proved.
McKenzie, Captain F. (deceased) ...	543 9 0	4 12 1	Proved.
McLeod, Donald ...	994 6 0	8 11 3	Ditto.
McMahon, Sir William, Bart. ...	863 3 0	7 8 10	Ditto.
McPherson, J. A. ...	770 13 0	6 11 10	Ditto.
Madan, Captain Frederick ...	1995 1 9	17 7 4	Ditto.
Mair, Dr. Hugh ...	1078 8 0	9 7 0	Ditto.
March, Thomas Loudon ..	4263 12 10	37 6 11	Ditto.
Marjoribanks, James ...	993 0 0	8 11 1	Ditto.
Marwick and Lane ...	12022 12 0	105 3 2	Ditto.
Marshall, John ...	2518 9 0	22 0 7	Ditto.
Mason, Ensign J., St. Helena ...	18 0 0	0 2 6	Not proved.
Mathew, E. J. ...	292 0 0	2 8 11	Ditto.
Maxwell, Robert W. ...	75557 0 0	661 1 11	Proved.
Maylin, Joseph, New York ...	586 8 0	5 2 1	Not proved.
Meer Surfuraz Ally ...	10863 0 0	95 0 10	Proved.
Mein, Captain Thomas A. ...	64747 4 7	566 8 7	Ditto.
Melville, Hon. W. H. L. ...	11316 9 3	99 0 3	Ditto.
Mendes, Francis ...	253 15 9	2 3 7	Ditto.
Metcalfe, Sir Charles T., Bart. ...	69055 5 0	604 3 8	Ditto.
Metcalfe, Sir C. T., in Trust for Mrs. Naylor, late Miss Gascoin ...	7123 13 0	62 5 4	Ditto.
Michell, G. G. (deceased) ...	788 12 0	6 14 5	Ditto.
Midwinter, W. H. and N. ...	8486 8 0	74 4 1	Ditto.
Miller, Lieut. George ...	624 0 0	5 7 5	Ditto.
Milner, Serjeant T. ...	970 0 0	8 7 9	Ditto.
Milner, Lieut. E. T. ...	618 0 0	5 6 6	Ditto.
Mobarruck ul Nissah, Begum ...	22141 0 0	193 11 9	Ditto.
Mohes Chunder Mookerjee (deceased) ...	1206 7 0	10 8 10	Ditto.
Mohadeb Day ...	72 13 0	0 10 2	Not proved.
Molony, Arthur, Junior ...	3685 7 0	32 3 11	Proved.
Moncrieffe, Mrs. Charlotte, late Mrs. Barber...	388 8 4	3 6 4	Ditto.
Money, James ...	918 0 0	8 0 6	Ditto.
Monro, J., Agra ...	716 0 0	6 4 3	Ditto.
Montgomery, A. ...	2144 7 0	18 12 2	Ditto.
Monument to Sir Stanford Raffles ..	200 0 0	1 12 0	Not proved.
Moonshee Areef Uddin ...	1588 8 0	13 14 5	Proved.
Moorshedabad Hospital ...	22728 0 0	198 13 11	Ditto.
Morrell, Lieut.-Colonel Robert (deceased) ...	769 0 0	6 11 8	Ditto.
Morrell, Robert ...	13421 7 6	117 6 11	Ditto.
Mortimer and Company ...	18239 9 6	159 9 6	Ditto.
Morton, Doctor James ...	11079 0 0	96 15 0	Ditto.
Motteaux, J. and Company, Leghorn ...	80 8 0	0 11 3	Ditto.
Mothee Sing and Ballapersaud ...	3599 0 0	31 7 11	Ditto.
Mottley, Private John ...	2865 12 0	25 1 2	Ditto.
Munnoo Khan ...	5289 3 0	46 6 6	Ditto.
Murray, Captain William (deceased) ...	3334 0 0	29 2 8	Ditto.
Neave, John ...	5983 3 6	52 5 8	Ditto.
Nesbitt, Colonel Joseph ...	25970 0 0	227 3 9	Ditto.

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Netherland Trading Society ...	61429 5 0	537 8 1	Proved.
Newhouse, Lieut. Henry T. ...	1282 7 0	11 3 5	Ditto.
Northey, Colonel Lewis A. and Laura ..	6427 15 0	56 3 11	Ditto.
Okeden, Wm. Parry ...	16771 0 0	146 12 0	Ditto.
Oldfield, Lieut. F. B. R. ...	23 10 0	0 3 3	Ditto.
Oldfield, Lieut. C. E. T. ...	1486 0 0	13 0 0	Ditto.
Ommaney, Lieut. Charles ...	24280 11 0	212 7 3	Ditto.
Orr, Lieut. Edmond M. ...	232 0 0	2 0 5	Ditto.
Osten, Major Barrow W. ...	408 0 0	3 9 1	Ditto.
Owners of Ship *Brunswick* ...	694 1 7	6 1 2	Ditto.
Owners of Ship *Jupiter* ...	16 0 0	0 2 3	Not proved
Owners of Ship *Mary Anne* ...	33715 0 0	295 0 1	Ditto.
Owners of Ship *Morning Star* ...	157 0 0	1 5 11	Ditto.
Owners of Ship *Susan* ...	70 0 0	0 9 9	Ditto.
Owners of Ship *Lord Amherst* ...	23350 0 0	204 5 0	Proved.
Palmer, Thomas ...	9834 0 0	86 0 10	Ditto.
Palmer, John, for J. Palling ...	22319 9 0	195 4 9	Ditto.
Palmer, Mrs. S. E. ...	6457 2 0	56 7 11	Ditto.
Parker, Lieut. Windsor ...	8712 0 0	76 3 8	Ditto.
Parr, Thomas C. ...	13323 0 0	116 9 3	Ditto.
Paxton, John W. ...	2779 9 9	24 5 1	Ditto.
Paxton, Sir William, Bart. (deceased) ...	2951 0 0	25 13 2	Ditto.
Paxton, William G. ...	90857 8 0	795 0 0	Ditto.
Paxton, Miss Sophia Matilda ...	6427 15 0	56 3 11	Ditto.
Payne, Lieut. W. ...	2132 1 0	18 10 5	Ditto.
Pearson, Colonel J. (deceased) ...	186 13 0	1 9 3	Not proved.
Pensioners of the late Colonel P. Murray ...	880 14 0	7 11 3	Ditto.
Perry, Mrs. Anne ...	464 0 0	4 0 11	Proved.
Phillips, Miss Charlotte ...	15248 14 0	133 6 10	Ditto.
Phillips, Mrs. Jane ...	1064 0 0	9 4 11	Ditto.
Phillips, Lieut. B. T. ...	2618 0 0	22 14 6	Ditto.
Phillips, Captain Robert S. ...	277 0 0	2 6 9	Ditto.
Pierce, F. W. ...	3102 0 0	27 2 3	Ditto.
Pigg, Thomas ...	16004 15 0	140 0 8	Ditto.
Plumbe, Captain Thomas ...	1077 0 0	9 6 9	Ditto.
Porter, George, Penang ..	38716 0 0	338 12 3	Ditto.
Portrait of John Adam (deceased) ...	1843 14 0	16 2 1	Not proved.
Pourcain, John St. ...	22865 0 0	200 1 1	Proved.
Powell, Quarter-Master Serjeant J. ...	485 5 0	4 3 11	Ditto.
Prinsep, Captain Thomas (deceased) ..	5638 12 0	49 5 5	Ditto.
Prince, John ...	108 6 6	1 15 2	Ditto.
Proceeds of the Cargo per Ship *Rohomany* ...	52289 10 0	457 8 7	Not proved.
Pryors, Major W. S. ...	7878 0 0	68 14 11	Proved.
Purkis, Apothecary James, 3rd Buffs ...	2823 0 0	24 11 3	Ditto.
Pyne, Captain John ...	3491 0 0	30 8 8	Ditto.
Radhe Sing Tindal ...	2098 0 0	18 5 9	Ditto.
Raikes, W. and T. and Co., London ...	23043 10 11	201 10 1	Ditto.
Raikes, J. M. ...	11521 13 5	100 13 0	Ditto.
Raleigh, Ensign Frederick ...	965 0 0	8 7 1	Ditto.
Rainey, Lewis ...	2416 0 0	21 2 3	Ditto.
Ramput Doss and Buhal Roy ...	68 12 11	0 9 7	Not proved.
Ramsay, Hon. Andrew ...	128 9 0	1 1 11	Proved.
Ranstorne, Charles S. (deceased) ...	11200 4 0	98 0 0	Ditto.
Read, F. E. ...	38 0 0	0 5 4	Ditto.
Rees, Mrs. A. D. ...	2288 0 0	19 6 4	Ditto.
Repairs for Mrs. Fanny Webster's Tomb ...	1611 8 0	14 1 7	Ditto.
Representative of the late Mrs. Margaret McCrae ...	7523 10 0	65 13 4	Not proved.
Rice, Sir Ralph ...	662 0 0	5 12 8	Proved.
Richardson, Robert ...	7691 0 0	67 4 10	Ditto.
Riley, Samuel ...	5341 0 0	46 11 8	Ditto.
Roberts, Captain Roderick ...	461 0 0	4 0 6	Ditto.
Roberts, Lieut. Ralph Gore ...	673 0 0	5 14 3	Ditto.
Roberts, O. M. ...	46 7 6	0 6 5	Ditto.

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Robertson, Lieut. James (deceased) ...	1254 3 0	10 15 7	Not proved.
Robinson, Mrs. S. ..	2842 4 0	24 13 10	Proved.
Ross, Alexander ...	941 7 0	8 3 10	Ditto.
Rowe, Reverend Joshua (deceased) ...	3350 3 0	29 5 0	Ditto.
Russell, Major-General George (deceased) ...	364 1 0	3 2 11	Not proved.
Rutter, Richard ...	940 15 0	8 3 8	Proved.
Robertson, Doctor Alexander R. ...	54 1 9	0 7 7	Ditto.
Salvage per Ship *Rohomany* ...	2365 13 0	20 11 2	Not proved.
Sandford, Miss Susanna ...	2310 9 0	20 3 5	Proved.
Sargent, Henry ...	22 0 0	0 3 0	Not proved.
Saxon, Mrs. S. ...	1554 1 0	13 9 7	Proved.
Saxon, Miss Frances (deceased) ...	388 8 4	3 6 5	Ditto.
Schnell, Mrs. E. S. and Children ...	1353 8 0	11 13 5	Ditto.
Schultz, John Adam (deceased) ...	875 0 0	7 10 6	Not proved.
Scott, Captain Jonathan, Artillery	1366 4 0	11 15 2	Proved.
Seager, Ensign John, Madras Establishment	597 12 0	5 3 8	Ditto.
Seaton, Lieut. Thomas ...	164 0 0	1 6 11	Not proved.
Shair Khan Sepoy, Assam Light Infantry ...	657 0 0	5 11 11	Proved.
Sharpe, Lieut. John Grove ...	47 0 0	0 6 7	Ditto.
Shore, Hon. F. John ...	1871 0 0	16 6 0	Ditto.
Simpson, George ...	7230 9 0	63 4 3	Ditto.
Sinclair, Henry ...	3938 13 0	34 7 5	Ditto.
Smith, Captain James ...	6443 15 0	56 6 1	Ditto.
Smith, Lieut. F. E. ...	305 0 0	2 10 8	Ditto.
Smith, Private Lawrence, 3rd Buffs ...	248 4 0	2 2 9	Ditto.
Smith's Children, Mathew ...	4336 15 0	37 15 2	Ditto.
Smyth, Captain John R., 32nd Foot ...	2576 3 0	22 8 8	Ditto.
Spiers, Captain Robert (deceased) ...	27 8 0	0 3 10	Not proved.
Stacy, Serjeant W. ...	2059 8 0	18 0 2	Proved.
Stanton, Mrs. E., late Simpson ...	51121 10 10	447 4 11	Ditto.
Stevens, Lieut. James ...	9873 0 0	86 6 3	Ditto.
Steuart, Major Charles ...	2561 0 0	22 6 6	Ditto.
Stewart, Lieut.-Colonel M. ...	885 1 0	7 11 11	Not proved.
Stokes, Lieut. George W. ...	308 0 0	2 11 1	Proved.
Stuart, Captain Kenneth B. ...	632 0 0	5 8 5	Ditto.
Stuart, Lieut.-Colonel John L. (deceased) ...	616 10 0	5 6 3	Not proved.
Stuart, Ensign E., 44th Foot ...	1649 0 0	14 6 11	Proved.
Stubbs, Captain Orlando ...	9819 0 0	85 14 8	Ditto.
Subscription for Statue of the late Warren Hastings ...	1468 5 0	12 13 6	Not proved.
Subscription for Pilgrims' Choultry ...	225 0 0	1 15 6	Ditto.
Swanston, Captain Charles ...	67217 0 0	588 2 4	Proved.
Symons, Lieut. Wm. J. ...	4514 7 0	39 7 11	Ditto.
Taylor, Captain John ...	140 0 0	1 3 7	Not proved.
Teaque, James Alfred ...	966 4 0	8 7 3	Proved.
Thomas, Lieut Charles H. ...	1575 0 0	13 12 6	Not proved.
Thomas, Captain W. G. ...	100 0 0	0 14 0	Proved.
Thomas, Mrs. Ellen ...	1298 0 0	11 5 9	Ditto.
Thompson, John ...	25129 0 0	219 14 0	Ditto.
Thompson, G. P. ...	1216 2 9	10 10 3	Ditto.
Thompson, G. F. ...	2282 0 0	19 15 5	Ditto.
Thompson, Watson and Co. ...	6206 15 9	54 4 11	Ditto.
Thornton, Captain George ...	1652 0 0	14 7 3	Ditto.
Timbrell, Captain Thomas ...	5981 14 2	52 5 4	Ditto.
Tod, George ...	17403 0 0	152 4 5	Ditto.
Tod, Ensign H. ...	310 2 0	2 11 5	Ditto.
Toone, Wm. Thomas ...	1272 13 0	11 2 2	Ditto.
Torckler, Lieut. Wm. Y. ...	45 0 0	0 6 4	Not proved.
Towgood, Ensign Joseph ..	275 13 0	2 6 7	Proved.
Travers, Mrs. A. M. (deceased) ...	2110 7 0	18 7 5	Ditto.
Travers, Mrs. Elizabeth, late Mrs. Richardson	260 0 0	2 4 5	Not proved.
Trotter, Wm. Thomas ...	1472 15 0	12 14 2	Proved.
Trust for Miss Jane T. Abraham ...	7707 13 0	67 7 0	Ditto.
Trust for Miss Jane Armstrong ...	137 8 0	1 3 3	Ditto.

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Trust for Mrs. M. Bagnold ...	6650 0 0	58 3 0	Proved.
Trust for Miss Sarah J. Baldwin ...	1070 13 0	9 5 11	Ditto.
Trust for Miss Mary Bartlett ...	2970 5 0	25 15 10	Ditto.
Trust for Mrs. L Bellamy ...	5654 0 0	49 7 6	Ditto.
Trust for Misses H. and L. C. Bertram ...	14347 7 0	125 8 8	Ditto.
Trust for Mrs. A. E. Bird and Children ...	164 12 0	1 7 1	Not proved.
Trust for Mrs. C. M. Bradshaw and Children	111 0 0	0 15 6	Proved.
Trust for Mrs. A. M. Byrne ...	12837 6 0	112 5 3	Ditto.
Trust for Mrs. A. Boilard, late Nugent ...	2476 15 0	21 10 9	Ditto.
Trust for Mrs. P. Carrapit ...	1426 0 0	12 7 7	Ditto.
Trust for George H. Caulfield ...	399 0 0	3 7 11	Not proved.
Trust for Mrs. F. Cooke ...	4542 11 0	39 11 11	Ditto.
Trust for Mrs. Louisa Conway ...	602 0 0	5 4 3	Ditto.
Trust for Mrs. H. Conyers ...	8392 4 0	73 6 11	Proved.
Trust for Cower Sing ...	8125 1 0	71 1 5	Ditto.
Trust for Mrs. Clara B. Crawley ...	14329 4 0	125 6 0	Ditto.
Trust for Mrs. H. Cudlipp, Batavia ...	9577 13 0	83 12 10	Ditto.
Trust for Mrs. DaCruz ...	1426 8 0	12 7 8	Ditto.
Trust for F. C. Davies ...	1445 7 0	12 10 4	Ditto.
Trust for Mrs. M. M. Davies ...	18479 0 0	161 11 0	Ditto.
Trust for Mrs. W. Davis ...	4000 0 0	35 0 0	Ditto.
Trust for Mrs. R. H. Davies ...	4783 0 0	41 13 7	Not proved.
Trust for Mrs. Isabella Delamain ...	37577 8 9	328 12 10	Proved.
Trust for Mrs. J. Delamain and Children ...	5020 2 0	43 14 9	Ditto.
Trust for Mrs. Eales and Children ...	44477 12 0	389 2 10	Ditto.
Trust for Mrs. M. Eales and Child, J. Eales...	5645 10 0	49 6 5	Ditto.
Trust for Mrs. Eliza Ellis ...	33731 0 0	295 2 3	Ditto.
Trust for Richard R. W. Ellis ...	7460 8 0	65 4 5	Ditto.
Trust for Miss Isabella Evans ...	3048 4 0	26 10 9	Ditto.
Trust for Mrs. Eyles and Children ...	167200 3 11	1463 0 0	Ditto.
Trust for Mrs. Mary Gomes ...	1014 10 0	8 14 0	Ditto.
Trust for Mrs. Mary Gordon, late Miss Broders	330 9 0	2 13 11	Ditto.
Trust for Mrs. Frances Gouldhawke ...	40005 0 0	350 0 8	Ditto.
Trust for Mrs. M. Grant ...	15000 0 0	131 4 0	Ditto.
Trust for John and Isabella Hamerdinger ...	527 5 0	4 9 10	Ditto.
Trust for Master George Harriott ...	100 9 0	0 14 0	Ditto.
Lieut.-Colonel J. Hunter and J. Palmer, Trustees for the Maternal Settlement of G. and M. Harriott ...	1031 4 0	9 0 4	Ditto.
Trust for Mrs. Mary Harris, late Miss Armstrong ...	72 8 0	0 10 2	Ditto.
Trust for Mrs. R. Hawkes ...	5335 0 0	46 10 11	Not proved.
Trust for P. Heatley Douglas and Ellis ...	329 1 0	2 14 0	Proved.
Trust for Miss Sophia Hallings ...	1283 2 8	11 3 7	Ditto.
Trust for James Hopkins ...	588 8 0	5 2 4	Ditto.
Trust for Mrs. H. Horsburgh ...	5458 0 0	47 12 1	Ditto.
Trust for Edward Hughes ..	4645 12 0	40 10 4	Ditto.
Trust for Mrs. G. Hunter and Children ...	10541 6 0	92 3 9	Ditto.
Trust for Mrs. C. Imlach and Children ...	24821 13 0	217 2 11	Ditto.
Trust for Mrs. Mary Irwin ...	20280 6 0	177 7 2	Ditto.
Trust for Mrs. A. Jeremie ...	63 0 0	0 8 10	Ditto.
Trust for John Johnson—Son, J. Digby ...	18333 8 7	160 6 8	Ditto.
Trust for Mary Johnson ...	1542 0 0	13 7 10	Ditto.
Trust for Mrs. Sally Johnston ...	28398 4 2	248 7 9	Ditto.
Trust for Beebees Jumna and Bowanee ..	3169 0 0	27 11 8	Ditto.
Trust for Mrs. E. Kelly and Children ...	19696 8 0	172 5 5	Ditto.
Trust for Mrs. Colonel James Kennedy ...	8388 9 0	73 6 4	Ditto.
Trust for Mrs. Ann E. King, late Miss Lewellyn ...	683 15 0	5 15 7	Ditto.
Trust for Kinnooram Doss' Child ...	582 6 0	5 1 5	Ditto.
Trust for Hayes Kyd ...	11045 11 0	96 10 4	Ditto.
Trust for Mrs. A. L. Herondelle (deceased) ...	5426 1 0	47 7 7	Ditto.
Trust for Mrs. C. Lemondine and Children...	4996 10 0	43 11 5	Ditto.
Trust for Mrs. Lowe and Children ...	60791 1 0	531 14 11	Ditto.

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Trust for Mrs. S. E. Lowson ...	51 12 0	0 7 2	Proved.
Trust for A. J. and J. B. Macdonald ...	127 8 0	1 1 10	Ditto.
Trust for Mrs. D. McDonald ...	42 13 0	0 6 0	Ditto.
Trust for Marshall Macnamara ...	1483 1 0	12 15 7	Ditto.
Trust for Mrs. D. Maitland and minor, Simpsons ...	215957 0 0	1889 9 11	Ditto.
Trust for W B. Marshe's Children ...	3541 0 0	30 15 8	Ditto.
Trust for Miss Frances Mathew ...	14779 7 0	129 5 1	Not proved.
Trust for Mrs. McMellis, late Miss Nairne ...	200 0 0	1 12 0	Proved.
Trust for Mrs. L. M. Mitchell ...	209 8 0	1 13 2	Ditto.
Trust for Beebee Mitton ...	9188 6 0	80 6 4	Ditto.
Trust for Mrs. M. Moore and Children ...	30860 0 0	270 0 5	Ditto.
Trust for Beebee Munnoo and Mrs. E. Crawford ...	1030 0 0	9 0 2	Ditto.
Trust for Beebee Nunkee *alias* Nancy—Estate of Colonel W. Kirkpatrick ...	15941 2 4	139 7 8	Ditto.
Trust for J. Palling's Children ...	6321 5 0	55 4 11	Ditto.
Trust for Mrs. E. C. Pereira ...	5413 13 0	47 5 11	Ditto.
Trust for Misses C. and M. A. Plumer ...	14514 13 4	127 0 0	Ditto.
Trust for Mrs. Cordelia Pringle ...	1796 8 0	15 11 5	Ditto.
Trust for Mrs. J. G. Randle ...	13774 0 0	120 8 5	Ditto.
Trust for Mrs. M. Richardson ...	919 11 0	8 0 8	Ditto.
Trust for Mrs. Ann Riley and Children ...	16223 15 9	141 15 4	Ditto.
Trust for Beebee Sahib Jaun and Mrs E. White ...	9702 0 11	76 2 3	Ditto.
Trust for Mrs. Mary Schultz ...	4216 8 0	36 14 3	Ditto.
Trust for Sir Beeah ...	5646 1 0	49 6 6	Ditto.
Trust for Miss F. M. Schnell ...	460 13 0	4 0 6	Ditto.
Trust for Mrs. Emma Shaw ...	5721 4 0	50 0 11	Ditto.
Trust for Mrs. Eliza Jane Shaw ...	477 0 0	4 2 9	Ditto.
Trust for Mrs. James W. Sherriff ...	877 15 0	7 10 10	Ditto.
Trust for Mrs. C. Simpson ...	27 10 0	0 3 10	Ditto.
Trust for Master J. Thomson ...	3860 11 0	33 12 5	Ditto.
Trust for Mrs. Thornhill ...	496 3 0	4 5 6	Ditto.
Trust for Mrs. James Trail ...	375 0 0	3 4 6	Ditto.
Trust for Miss C. Top (deceased) ...	25571 0 0	223 11 11	Ditto.
Trust for Mrs. A. Usher and Children ...	50 0 0	0 7 0	Ditto.
Trust for Mrs. E. Vincent, late Mrs. Pickersgill	340 0 0	2 15 7	Not proved.
Trust for Mrs. C. Walker ...	5862 0 0	51 4 8	Proved.
Trust for Mrs. Ann Walter and Children ...	14850 6 4	129 15 0	Ditto.
Trust for Mrs. Colonel George Warden ...	7260 6 0	63 8 5	Ditto.
Trust for Mrs. Jane Williams ...	13433 9 0	117 8 7	Ditto.
Trust for Mrs. N. Williams ...	2034 10 0	17 12 9	Ditto.
Trust for Mrs. E. Wonters and Children ...	7244 3 11	63 6 2	Ditto.
Trust for Mrs. Woollen ...	11551 1 0	101 1 1	Ditto.
Trustees of Messrs. Deverinne and Co. ...	37134 11 0	324 14 9	Ditto.
Trustees of Claude Queiros ...	18516 9 0	162 0 3	Ditto.
Trustees of Mrs. J. E. Scott ...	181 1 0	1 9 3	Ditto.
Trustees of Mrs. Ann Wavell, late Miss Paxton	6427 15 0	56 3 11	Ditto.
Usher, Mr A. (deceased) ...	182 5 0	1 2 5	Ditto.
Valpy, William Henry ...	17065 0 0	149 5 1	Ditto.
Van Ristell, J. F. ...	117 0 0	1 0 4	Ditto.
Venour, Doctor W. A. ...	9374 0 0	82 0 5	Ditto.
Vidua, Count de (deceased) ...	179 0 0	1 2 0	Not proved.
Vias, Villakael A. Isaac, Leghorn ...	2608 0 0	22 13 0	Proved.
Villet, C. M. ...	428 15 8	3 12 0	Not proved.
Voyle, John ...	223 3 5	1 15 2	Proved.
Wade, Captain C. M. ...	11701 0 0	102 6 1	Ditto.
Walker, Serjeant James ...	3695 4 0	32 5 4	Ditto.
Wallace, Lieut. Thomas ...	721 0 0	3 10 10	Ditto.
Wallace, Captain Gordon (deceased) ...	8301 13 0	72 10 2	Ditto.
Warde, Captain William ...	17112 0 0	149 11 8	Ditto.
Waring, E. S. ...	813 0 0	7 1 10	Ditto.
Webb, Doctor George ...	19969 0 0	174 11 8	Ditto.

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Webster, Captain James ...	1425 0 0	12 7 6	Proved.
Westerman DeNys and Company ...	424 9 0	3 11 5	Not proved.
West, Thomas (deceased) ...	768 0 0	6 11 5	Ditto.
Wheeler, Corporal Wm. ...	279 6 3	2 7 1	Proved.
Whish, Major Wm. ...	2350 0 0	20 9 0	Ditto.
White, Mrs. Emelia, late Mrs. Crommelin ...	177 12 9	1 1 10	Ditto.
Wigram, Octavius ...	4526 0 0	39 9 7	Ditto.
Wild and Law ...	2058 0 0	18 0 1	Ditto.
Williams, Captain Thomas ...	5115 3 8	44 12 1	Ditto.
Williams, Joshua (deceased) ...	14248 12 0	124 10 10	Ditto.
Williamson, Captain George ...	1516 0 0	13 4 2	Ditto.
Wilson, John Cracroft ...	1404 0 0	12 4 6	Ditto.
Witherston, Colonel John (deceased) ...	1515 14 0	13 4 2	Ditto.
Worrall, Doctor Joseph ...	6351 0 0	55 9 1	Ditto.
Young, Captain Gavin ...	2613 10 0	22 13 11	Ditto.

JOHN COCHRANE,

Official Assignee.

Court for the relief of Insolvent Debtors at Calcutta.

In the matter of Goorochurn Sein, late of Toolah Bazar, in Calcutta, lately carrying on business as a Merchant and Trader.

On Wednesday, the 25th day of February instant, it was, on the petition of Kaisree Chund, Kissen Chund, and Hurruck Chund, creditors of the said Insolvent, adjudged that the said Gooroochurn Sein hath committed an act of Insolvency under the provisions of the Act XI. Vic. Cap. XXI. and by another order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Paliologus, *Attorney.*

In the matter of Gooroochurn Sein, late of Toolah Bazar, in Calcutta, lately carrying on business as a Merchant and Trader.

On Tuesday, the 24th day of February Instant, it was, on the petition of Gossain Deloleepoory and Duljeetpoory, Creditors of the said Insolvent, adjudged that the said Gooroochurn Sein hath committed an act of Insolvency under the provisions of the Act XI. Vic cap. XXI., and by another order of same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Paul and Carruthers, *Attorneys.*

In the matter of Edwin Severs Raban, of Mirzapore Lane, in Calcutta, a Section-writer in the Home Department, an Insolvent.

On Monday, the 23rd day of February instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

Chief Clerk's Office, 26th February 1857.

In the matter of John Avietmall, of Moocheeparrah Lane, in Calcutta, formerly a Preventive Officer in the Service of the East India Company, but latterly following the occupation or calling of stowing cargoes of ships or vessels lying in the River Hooghly, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Tuesday, the 10th day of March Instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, "desirous of opposing such application, must "appear before the said Court at the time and "place aforesaid.*"

Insolvent in person.

In the matter of Shaik Lahalodee Ostagur and Shaik Pootoo Ostagur, of Nolpooker, in Calcutta, Tailors, lately carrying on business in copartnership with Shaik Caloo Ostagur, lately deceased, under the style and firm of Shaik Calloo Ostagur, Insolvents.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Tuesday, the 10th day of March Instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, "desirous of opposing such application, must appear before the said Court at the time and "place aforesaid.*"

Downing, *Attorney.*

Chief Clerk's Office, 3rd March 1857.

In the Court for Relief of Insolvent Debtors at Singapore.

In the matter of Ebram jee Mahomed Nannoo, of Singapore, Trader, an Insolvent. } Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. 21, was filed in the Office of the Chief Clerk, on the 31st day of January last, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of Ebramjee Mahomed Nannoo, of Singapore, Trader, an Insolvent. } On Saturday, the 31st day of January last, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

In the matter of Richard Boswell, a prisoner for debt in Her Majesty's Gaol at Singapore, formerly carrying on business as an Hotel-keeper, an Insolvent. } Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic cap. 21, was filed in the Office of the Chief Clerk on the 12th day of February Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of Richard Boswell, a prisoner for debt in Her Majesty's Gaol at Singapore, formerly carrying on business as an Hotel-keeper, an Insolvent. } On Thursday, the 12th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday, the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

In the matter of Verathal, a prisoner for debt in Her Majesty's Gaol at Singapore, formerly carrying on the business of a Milk-seller and Keeper of an Eating House, an Insolvent. } Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. 21, was filed in the office of the Chief Clerk on the 19th day of February Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

In the matter of Verathal, a prisoner for debt in Her Majesty's Gaol at Singapore, formerly carrying on the business of a Milk-seller and Keeper of an Eating House, an Insolvent. } On Thursday, the 19th day of February Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Wednesday, the 15th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

GEO. W. LECERF,
Chief Clerk.

CHIEF CLERK'S OFFICE ;
Singapore, the 21st February 1857.

Sheriff's Office, the 4th March 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature, at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the Thirtieth day of March Instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

সরফ আফিস ৪ মারচ ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ২০ মারচ ১৮৫৭ সাল সোমবার দুই প্রহরের সময় কলিকাতার ফোট উইলিয়মের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোট উইলিয়মের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটী অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তি জন্য এক সেশীয়ান অর্থাৎ সিটিঙ্গ করিবেন।

এই সেশীয়ান যতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,
Sheriff.

Notice.

HAVING been appointed Curator to the Estate of the late Mr. Charles Glas, a Pleader in the Sudder Dewanny Adawlut, by an order of the Judge of the 24-Pergunnahs, dated 10th Instant, under Act XIX. of 1841, Parties indebted are requested to make payment, and Claimants to send in their claims without delay.

A. J. STURMER,
Curator.

CALCUTTA,
12th February 1857.

India General Steam Navigation Company.

NOTICE is hereby given, that the Half-Yearly General Meeting of Shareholders of the above Company, will be held at the Company's Office, on Monday, the 9th of March next, at 3 P. M., for passing the Accounts and declaring a Dividend.

By order of the Directors,

J. F. STACE,
Secretary.

CALCUTTA,
The 7th February 1857.

Notice of Partnership.

THE Partnership that has for some time past been carried on by MR. THOMAS CARTNER and myself, under the name and style of D. WILSON AND CO., was put an end to on the 31st ultimo, by mutual consent.

DAVID WILSON.
THOMAS CARTNER.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

With reference to the above, I have admitted into Co-partnership MR. J. R. WORCESTER (late Purser of the Peninsular and Oriental Steam Navigation Company's Service); MESSRS. JOHN AND CHARLES WILSON, and JAMES AND GEORGE MANDY, who will conduct the business in Co-partnership with myself, under the firm and style of D. WILSON AND CO., as heretofore. All debts therefore due to, or owing by, the late Firm, will be received and paid by the new Firm.

DAVID WILSON.

HALL OF ALL NATIONS,
Calcutta, 1st February 1857.

Notice to Rate-payers.

WHEREAS the Municipal Commissioners for the Town of Calcutta, under provisions of Act XXV. of 1856, have completed the Valuation of Houses, Buildings, and Lands for the year 1857, the book containing the said Valuation and Assessment may be inspected at their Office by Owners, Occupiers, Agents, or Trustees of property included in the Assessment; AND the Municipal Commissioners will proceed to revise the said Valuation and Assessment on the 17th day of March next at noon, at their Office No. 3, Chowringee Road. All complaints against such Valuation and Assessment shall be made on or before the day of which notice is hereby given, and all complaints so made, shall be enquired into by the Commissioners, and such amendments shall thereupon be made in the said book, as to the Commissioners shall appear just and proper.

By order of the Municipal Commissioners,
JOHN M. VOSS,
Assessor.

MUNICIPAL COMMR.'S OFFICE,
Calcutta, 27th Feb. 1857.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ..	Without charge.

WM. ANDERSON,
Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

Notice.

THE Acts and Published Papers of the Legislative Council are sold at the Military Orphan Press.

LOST—Halves of Bank of Bengal Notes, Nos. 30091 and 31911, for 20 Rupees each.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume,
Strongly bound in Cloth Covers.

PRICE TO SUBSCRIBERS—10 RUPEES.
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TOGETHER WITH

An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notifications.

No. 7421.

Notice.

Mr. T Garrett having this day received charge of the Office of the Deputy Post Master General of Calcutta, the public are requested to communicate with him direct on all matters connected with the routine business of the Calcutta General Post Office. All complaints against that Office or any other Post Office within the Bengal and Pegu Provinces are to be made to me direct.

C. K. Dove,
Offg. Post-master General of Bengal.

Calcutta;
Post Master General's Office,
The 26th February 1857.

No. 1987.

Overland Mail.

The Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, and Aden, per P. and O. Co.'s Steamer *Alma*, will be closed at this Office on Saturday, the 7th Proximo.

1*st.*—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd.*—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd.*—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th.*—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th.*—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th.*—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th.*—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th.*—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th.*—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th.*—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th.*—Only one paper can be sent in one cover.

C. K. Dove,
Deputy Post-master General.

Fort William;
General Post Office,
The 24th February 1857.

No. 2023.

MAIL STEAMER *vid* THE CAPE.

NOTICE is hereby given, that the Mails for Madras, Ceylon, Mauritius, Cape of Good Hope, St. Helena, Ascension, and London, for transmission per Mail Contract Steamer *Scotland*, will be closed at this Office on Saturday, the 14th Instant.

Pre-payment on Letters to Madras, Ceylon, and London, is optional; but Letters for Mauritius, Cape of Good Hope, St. Helena, and Ascension, must be pre-paid at the following rates:

½	Ounce	...	...	...	0	4	0
1	„	...	...	..	0	8	0
2	„	...	...	...	1	0	0

So on, adding 8 Annas for every Ounce, or a fraction of an Ounce.

Newspapers and Price Currents must be pre-paid 9 Pie each, and when posted at a Mofussil Post Office, the Inland Indian Postage must be pre-paid in addition to Steam Postage.

Newspapers and Price Currents for Great Britain, when posted at Calcutta, cannot be pre-paid.

Only one paper can be sent under one cover.

CALCUTTA;
General Post Office,
The 2nd March 1857.

T. GARRETT,
Offg. Deputy Post-master General.

No. 3818.

AUSTRALIAN MAIL.

THE Public are informed that all Letters and Papers posted at the Calcutta General Post Office before the 9th Instant, for despatch to Australia, will be sent to Galle with the next Overland Mail, to await the arrival of the Colonial Steamer expected from Suez on or about the 26th March.

Letters posted in India for conveyance by the Contract Packet must be prepaid at the following rates, which includes Inland Postage, *viz.*—

	Rs.	As.	P.
Not exceeding ½ Ounce	0	4	0
Exceeding ½ Ounce and not exceeding 1 Ounce	0	8	0

And so on, adding 8 Annas for every Ounce, or fraction of an Ounce.

On Newspapers posted in India for the same conveyance, One Penny or Nine Pie must be prepaid in Cash, in addition to the usual Inland Postage, when despatched from a Mofussil Post Office, or by an After Packet.

T. GARRETT,

CALCUTTA;
General Post Office,
The 2nd March 1857.

Offg. Deputy Post Master General.

IT is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office, between Monday the 23rd February 1857, and Sunday the 1st March 1857, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified:—

Letters received on dates, from and to	*By what Ship despatched.*	*Bound to*	*Remarks.*
23rd to 26th Feby. 1857..	Mahratta..	Mauritius	Left town on the 27th Feb. 1857.
23rd to 27th ditto ..	Steamer Shanghai ..	Penang, Singapore and China	Ditto on the 28th ditto.
23rd to 27th ditto .	Steamer Manchester .	Rangoon, Moulmein, and Akyab	Ditto on the 28th ditto.

T. GARRETT,
Offg. Deputy Post-master General.

CALCUTTA;
General Post Office,
The 3rd March 1857.

CALCUTTA:—Printed and Published by JOHN GRAY, *at the* "CALCUTTA GAZETTE" OFFICE, *No.* 5½, *Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

WEDNESDAY, MARCH 4, 1857.

Legislative Council.

The 21st February 1857.

THE following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 13th February 1857, and is hereby promulgated for general information :—

ACT No. V OF 1857.

An Act to confer certain powers on the Oriental Gas Company, Limited.

Preamble.

WHEREAS a Joint Stock Company has been lately formed for the purpose of introducing Gas-works into India, which Company having been completely registered in England under the Act of Parliament of the eighth year of the reign of her present Majesty, Cap. 110, has since been registered in England under "The Joint Stock Companies' Act, 1856" with limited liability, and has duly obtained a certificate of Incorporation under the name of the Oriental Gas Company, Limited; and whereas the said Company has erected Gas-works on land granted for that purpose by Government in the vicinity of the Town of Calcutta, and is engaged in the preparation of apparatus and materials for the manufacture and supply of Gas for lighting the said Town; and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with Gas the said Town of Calcutta, which powers and facilities may hereafter be extended to the operations of the said Company in other Towns and places: It is enacted as follows :—

Power to break up streets, &c., under superintendence, and to open drains.

I. In the Town of Calcutta and its environs, and in any other Town or place to which the provisions of this Act may hereafter be extended, by a law to be passed for that purpose, the Oriental Gas Company, Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the Gas; and, for the purposes aforesaid, may remove and use all earth and material in and under such streets and bridges; and may in such streets erect any pillars, lamps, other works, and do all other acts which the Company shall from time to time deem necessary for supplying Gas to the inhabitants of the said Town of Calcutta and its environs, or other Town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter on private land without consent.

II. Provided always, that nothing herein shall authorize or empower the said Company to lay down or place any pipe or other works into, through, or against any build-

ing, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof; except that the said Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe, in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

Notice to be served on persons having control, &c., before breaking up streets or opening drains.

III. Before the said Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Municipal Commissioners for the Town of Calcutta, or other persons under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work; except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Streets or drains not to be broken up, except under superintendence of persons having control of the same.

IV. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate; and such Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain. Provided always, that, if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operations, the said Company may perform the work required in such notice without the superintendence of such persons or their officer.

If persons having the control, &c., fail to superintend, Company may proceed with the work.

Streets, broken up to be re-instated without delay.

V. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and re-instate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up; and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Penalty for delay in re-instating streets.

VI. If the said Company open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorized to perform such works without any superintendence or notice; or if the said Company make any delay in completing any such work, or in filling in the ground or re-instating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

In case of delay, other parties may re-instate, and recover the expenses.

VII. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed; and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall, in case of any dispute about the same, be ascertained and recovered, in Calcutta and in any other Town or place subject to the jurisdiction of any of Her Majesty's Courts of Judicature, in the manner in which expenses are ascertained and recovered under Act XIV of 1856, and in any Town or place not within the jurisdiction of any of Her Majesty's Courts, in the same manner as damages are recoverable under this Act.

Expense how to be ascertained and recovered.

Power to enter buildings for ascertaining quantity of Gas consumed.

VIII. The Clerk, Engineer, or other Officer duly appointed for the purpose by the said Company, may, at all reasonable times, enter any buildings or place lighted with Gas supplied by the said Company, in order to inspect the meters, fittings, and works for regulating the supply of Gas, and for the purpose of ascertaining the quantity of Gas

consumed or supplied; and if any person hinder such Officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

Recovery of rents due for Gas.

IX. If any person supplied with Gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, neglect to pay the rent due for the same to the said Company, the said Company may stop the Gas from entering the premises of such person, by cutting off the service-pipes, or by such means as the said Company shall think fit, and recover the rent due from such person, together with the expenses of cutting off the Gas, by action in any Court of competent jurisdiction.

Power to take away pipes when supply of Gas discontinued.

X. In all cases in which the said Company are authorized to cut off and take away the supply of Gas from any house or building or premises under the provisions of this Act, the said Company, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the said Company.

Meters not liable to distraint for rent, &c.

XI. Any meter or fitting let for hire by the said Company shall not be subject to distress for rent or revenue, or any rate due upon the premises where the same may be used, nor be taken in execution under any process of a Court of law or equity, or any proceeding in Insolvency against the person in whose possession the same may be.

Penalty for fraudulently using Gas.

XII. Every person who shall lay, or cause to be laid, any pipe to communicate with any pipe belonging to the said Company, without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the Gas supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the Gas, or shall supply any other person with any part of the Gas supplied to him by the said Company, shall forfeit to the said Company the sum of fifty rupees for every such offence, and also the sum of twenty rupees for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the said Company may take off the Gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for wilfully damaging pipes.

XIII. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying Gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the Gas supplied by the said Company, shall, for each such offence, forfeit to the said Company any sum not exceeding fifty rupees, in addition to the amount of the damage done.

Satisfaction for accidentally damaging pipes.

XIV. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Company, or under their control, shall pay such sum of money by way of satisfaction to the said Company for the damage done, not exceeding fifty rupees, as any Magistrate shall think reasonable.

Penalty for causing water to be corrupted.

XV. If the said Company shall at any time cause or suffer to be brought, or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying Gas or shall wilfully do any act connected with the making or supplying of Gas, whereby the water in any such stream, reservoir, aqueduct, pond, or place for water, shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees; and they shall forfeit an additional sum not exceeding five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company, by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby; and such penalties shall be paid to such last-mentioned person.

Daily penalty during the continuance of the offence.

Daily penalty during escape of Gas after notice.

XVI. Whenever any Gas shall escape from any pipe laid down or set up by or belonging to the said Company, they shall, immediately after receiving notice thereof in writing, prevent such Gas from escaping; and in case the said Company shall not, within twenty four hours next after service of such notice, effectually prevent the Gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of fifty rupees for each day during which the Gas shall be suffered to escape, after the expiration of twenty-four hours from the service of such notice.

Penalty if water be fouled by Gas.

XVII. Whenever any water shall be fouled by the Gas of the said Company, they shall forfeit to the person whose water shall be so fouled, for every such offence a sum not exceeding two hundred rupees, and a further sum, not exceeding one hundred rupees for each day during which the offence shall continue, after the expiration of twenty four hours from the service of notice of such offence.

Power to examine Gas-pipes to ascertain cause of water being fouled.

XVIII. For the purpose of ascertaining whether such water be fouled by the Gas of the said Company, the person to whom the water supposed to be fouled shall belong, may dig up the ground, and examine the pipes, conduits, and works of the said Company; provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice in writing to the said Com-

pany of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road,. pavement, or place where such digging is to take place, and they shall be subject to the like obligation of re-instating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company, for the purpose of laying their pipes.

Expenses to abide result of examination.

XIX. If upon any such examination, it appear that such water has been fouled by any Gas belonging to the said Company, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the said Company; but if upon such examination it appear that the water has not been fouled by the Gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

How expenses to be ascertained.

XX. The amount of the expenses of every such examination and repair, and of any injury done to the said Company, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in Section VII of this Act.

Liability to indictments for nuisance.

XXI. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of making or supplying Gas.

Copies of the original Deed of Association and of all Rules, &c. to be kept for inspection at the Office of the Company in Calcutta and in the Office of the Registrar of Joint Stock Companies or the Keeper of the Records of the Supreme Court at Fort William.

XXII. A copy of the original Deed of Association of the said Company, and of every other instrument registered under the said "Joint Stock Companies' Act, 1856," as constituting the Regulations of the said Company, and a copy of every special resolution of a General Meeting whereby any change shall have been, or at any time shall be made in the Regulations of the said Company, shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office; and a copy of such original Deed of Association, and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the Office of the Registrar of Joint Stock Companies, or, if there be no such Officer, in the Office of the Keeper of the Records of the Supreme Court of Judicature at Fort William, and shall there be filed; and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the Keeper of the Records of the said Supreme Court, shall be good and sufficient evidence of each such original Deed, instrument, or special resolution, in all actions, suits, and proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice or before any Magistrate, or Revenue or other Officer, and whether acting judicially or in any proceeding preliminary to a judicial inquiry, throughout the Territories of the East India Company.

Service of process.

XXIII. All services of mesne or other process, and all notices whatsoever, which, by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given, in addition to all ways and means by which the same may otherwise be legally made, served, and given, by leaving the same addressed to the Managing Agent of the said Company at the Office in Calcutta of the said Company.

Recovery of penalties &c.

XXIV. All penalties and forfeitures imposed by this Act, and all damages and expenses the recovery of which is not specially provided for, may be recovered by summary proceeding before a Magistrate.

Levy by distress.

XXV. All penalties, forfeitures, damages, and expenses adjudged due under this Act, if the amount be not otherwise paid, may be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained; or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures, damages, or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage, or expenses may sue the person liable to pay the same in any Court of competent jurisdiction.

No distress unlawful for want of form, &c.

XXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Intrepretation.

XXVII. The following words and expressions used in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include a corporation, whether aggregate or sole.

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place.

The word "Magistrate" shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the powers of Magistrate, acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises.

W. MORGAN,
Clerk of the Council.

Legislative Council.

The 21st February 1857.

THE following Bill was read a second time in the Legislative Council on the 21st February 1857, and was referred to a Select Committee who are to report thereon after the 25th of April next :—

A Bill to amend the Law regarding the provision of carriage and supplies for Troops and Travellers, and to punish unlawful impressment.

Preamble.

WHEREAS the habitual impressment by the Civil Power, under the Regulations in force in the Presidency of Fort William in Bengal, of carts, cattle, boats, boatmen, and bearers, in order to facilitate the passage of troops through the Districts of that Presidency, is unnecessary and oppressive ; and whereas such impressment is always liable to abuse, and therefore should never be resorted to except on occasions of emergency, when it may be impossible, even by the offer of more than the common rates of hire, to procure sufficient carriage in time to meet the emergency ; and whereas it is unnecessary to authorize travellers to require the assistance of Officers of Police in procuring means of transport, or supplies of provisions or of other articles during their journeys, and such assistance, when given, is oppressive, and liable to abuse : It is enacted as follows :—

Laws repealed and modified.

I. Sections II and VIII, and Clause 7 Section IX of Regulation XI of 1806 of the Bengal Code are repealed. Sections III, IV, VI, and VII of the said Regulation, and Regulation VI of 1825, of the same Code are modified, and their operation restricted in the manner following.

Collectors, Magistrates, &c., prohibited from impressing all means of transport, except as hereinafter provided.

II. Except as hereinafter provided, all Collectors and Magistrates, and all Officers subordinate to them, are prohibited from impressing any carts, cattle, boats, boatmen, bearers, or any other means of transport whatsoever, for any purpose whatsoever ; anything in Regulation XI of 1806, or Regulation VI of 1825 of the Bengal Code to the contrary notwithstanding.

Punishment for subordinate Revenue or Police Officers impressing means of transport or workmen, and for enforcing delivery of provisions, &c. to travellers.

III. Whoever, being an Officer of Revenue or Police subordinate to a Collector or Magistrate, impresses or attempts to impress any cart, cattle, boat, boatman, bearer, cooly, or other means of transport contrary to the provisions of this Act, or otherwise without authority of law ; or impresses or attempts to impress any workman, laborer, or cooly, without authority of law ; or enforces or attempts to enforce the delivery of supplies of provisions or other articles to travellers or others, without authority of law—shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months, and shall also be liable to fine. And the conviction of an offender under this Section shall not bar the right of any person, directly or indirectly injured by any such illegal act, to redress by Civil action.

In cases of emergency, Military Officers in command of troops may, by an order, be authorized to require Collectors and Magistrates to aid in procuring carriage, supplies, &c.

IV. It shall be lawful for the Governor General of India in Council, and for any Lieutenant-Governor, and for any Chief Civil Officer of any Province under the immediate jurisdiction of the Government of India, within their respective jurisdictions, by an order stating that a case of emergency has arisen, and that it is impossible, even by the offer of double the common rates of hire and prices, to obtain the carriage, and to arrange for the provision of supplies for the troops required to meet the emergency, to authorize any Military Officer commanding a body or detachment of troops to call upon the Collectors and the Magistrates of Districts or places from, through, or near to which such troops are ordered to march, to aid in procuring all necessary carriage whether by land or water, and supplies, and to facilitate the progress of the troops through his jurisdiction by the preparation of boats, or temporary bridges instead of boats, when necessary for crossing streams upon the line of march. Upon the receipt of such requisition made in accordance with such order, all Collectors so called upon shall proceed in the manner prescribed by Section III Regulation XI of 1806 of the Bengal Code ; and all Magistrates so called upon shall proceed in the manner prescribed in Section VI of the same Regulation ; and thereupon the provisions of Sections III, IV, VI, and VII of the same Regulation, and the provisions of Regulation VI of 1825 of the aforesaid Code, shall apply to all Revenue and Police Officers, Landholders, Farmers, Tehsildars, or others having the management of land, and to all other persons concerned, in the same manner as if this Act had not been passed. Provided that no carriage shall be impressed, and no provision of supplies shall be made under this Section, other than or in excess of the quantity and description of carriage and supplies now or hereafter to be authorized by the General Orders of Government, according to the number and description of the troops moving.

On receipt of requisition, Collectors and Magistrates how to act.

Carriage and supplies not to be impressed and provided other than or in excess of the quantity and description authorized by the General Orders of Government.

Collectors and Magistrates may act in like manner as provided in the preceding Section, in cases of public disturbance, when troops are suddenly ordered to take the field and there is no time for applying for an order of Government.

V. Whenever it is certified to any Collector or Magistrate as aforesaid, by a Commanding Officer as aforesaid, that a body or detachment of troops under such Officer's command has been ordered suddenly to take the field, or to proceed to some place in order to preserve the peace of the country ; and that it is impossible, even by the offer of double the common rates of

hire and prices, to obtain the carriage, or to arrange for the provision of the supplies, or to make the preparations for facilitating the movement required to meet the emergency; and that there is not time to apply for the order described in Section IV of this Act; such Collector or Magistrate shall proceed in the manner prescribed in the said Section, in order to the obtaining of carriage, or the provision of supplies, or the preparations for facilitating the march, or any or all of these objects, as the case may be: and thereupon the provisions aforesaid of the Regulations aforesaid shall apply in the same manner as is in Section IV of this Act provided.

Operation of certain provisions of Regulation XI. 1806 to cease, except in the cases provided for in the two preceding Sections.

VI. Except in the cases provided for by Sections IV and V of this Act, the provisions of Sections III, IV, VI, and VII of Regulation XI of 1806, and of Regulation VI of 1825 of the aforesaid Code, shall cease to have any force or effect.

Rates of hire to be paid for carriage impressed or supplies provided under this Act.

VII. When carriage is impressed, or supplies of provisions and other articles are provided in the manner authorized by Section IV or Section V of this Act, such carriage, provisions, and other articles shall be paid for by the Civil Officer concerned at double the common rates of hire and prices current at the time and place. And in the case of carriage, the carts, cattle, boats, boatmen, or bearers shall be paid for from the day on which they are impressed; and the pay shall be the same for days on which the carriage is stationary as for the days on which it is in motion. And where it is customary to charge back-hire, such back-hire also shall be charged at double the current rate of the time and place. Impressed land carriage shall never, unless when it is unavoidable, be retained beyond the first halting place without the jurisdiction of the Civil Officer under whose authority it is impressed. Whenever land-carriage so impressed is retained, otherwise than by agreement, beyond the District in which it was impressed, a treble instead of a double rate of hire shall be paid for the time during which it may be so retained.

Collector to settle amount of hire, &c. in cases of dispute, and to fix the greatest weight to be carried by each cart, &c.

VIII. In all cases of dispute, the Collector of the District shall settle the amount of hire and other sums due, according to the last preceding Section. And in regard to carriage of all descriptions, the Collector shall fix beforehand the greatest weight to be carried by each cart, boat, man, or beast employed; which shall in no case exceed the loads commonly so carried according to the means of conveyance. If this load is exceeded, notwithstanding the remonstrance of the party aggrieved, a day's extra rate of hire, according to the common rate of the time and place, shall be paid to the party so aggrieved, for every day on which the load was in excess, by the Civil Officer concerned.

Extra rate of hire in cases of excess-load

Collectors to depute proper Native Officers to accompany the troops through their Districts.

IX. When a Collector issues an order under Section IV or Section V of this Act, he shall be held strictly responsible for the selection of a proper person as the creditable Native Officer whom he is required by Section III Regulation XI of 1806 to depute to accompany the troops through his jurisdiction. The Native Officer so deputed shall be paid in no case at a rate of less than one Rupee a day, commencing on the day of his first employment, and continuing to the time of his discharge, with such travelling allowance as may be authorized for Revenue Officers of his class. When more than one Regiment moves in a body, there shall be one such Officer deputed for each Regiment, or part of a Regiment so moving. It shall be a part of the duty of such Officer to make such payments as he may be authorized by the Collector to make; to take care that the loads fixed by the Collector are in no case exceeded; and to hear all complaints made by the men impressed for carriage, and to redress them, when well founded, if he can; or otherwise to report them to the Military Officer in charge of the baggage or to the Officer commanding the troops, and finally, if not then redressed, to the Collector.

Territorial scope of Act.

X. This Act shall extend to all the Districts of the Presidency of Fort William in Bengal; and to all other Provinces under the administration of the Lieutenant-Governor of Agra, or the Lieutenant-Governor of Bengal; and to all Provinces under the immediate administration of the Governor General of India in Council;

Commencement of Act.

and this Act shall commence to have effect on and from the day of 1857.

W. MORGAN,

Clerk of the Council.

Notifications, Appointments, &c.

No. 439.

Fort William, Home Department,

The 28th February 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to permit Mr. A. W. Begbie to resign the East India Company's Civil Service, from the 1st May next.

No. 440.

Mr. T. Garrett assumed charge of the Office of Deputy Post-master General at Calcutta on the 26th Instant.

No. 441.

The 3rd March 1857.

Messrs. C. W. Mackillop, A. E. Russell, and J. C. Dodgson, of the Civil Service, reported their departure for England by the Steamer *Hindoostan*, which Vessel was left by the Pilot at Sea on the 24th Ultimo.

CECIL BEADON,

Secy. to the Govt. of India.

No. 981.

Fort William, Foreign Department,

The 27th February 1857.

Mr. A. H. G. Block, Deputy Commissioner, is appointed Marriage Registrar for the district of Sultanpore, in Oudh.

No. 982.

Captain A. G. Forsyth, Second in Command of the 6th Infantry Regiment, Gwalior Contingent, is placed at the disposal of His Excellency the Commander-in-Chief, consequent on promotion.

No. 983.

Assistant Surgeon F. S. Sillifant, appointed to the Medical charge of the 4th Regiment of Infantry, Sindiah's Contingent, arrived at Gwalior on the 16th Instant.

No. 984.

Lieutenant Colonel P. Harris, Commandant of the 5th Regiment of Infantry, Gwalior Contingent, has obtained leave of absence on Medical Certificate, for two months, from the 1st Proximo, to visit Calcutta, preparatory to applying for furlough to Europe.

No. 985.

Captain J. W. Younghusband, Captain of Police in the Punjab, Derajat, has obtained leave of absence from the 5th August 1856, the date of his return to India from furlough, to the 1st November last, the date on which he rejoined his appointment.

No. 986.

Captain J. W. Bristow, Officiating Deputy Commissioner in the Punjaub, has obtained leave of absence, under the Military Rules, for 3 months, in extension of the leave granted to him in G. O. dated 23rd Ultimo, No. 337, to enable him to proceed to Bombay, preparatory to applying for further leave to Europe on Medical Certificate.

Lieutenant H. B. Urmston, Assistant Commissioner in the Punjab, has passed an examination for the higher standard.

No. 987.

The 2nd March 1857.

Dr. T. Mathew is appointed to the Medical charge of the Station of Dhurmsala.

No. 988.

Lieutenant J. R. G. Magrath, Assistant Commissioner of Nagpore, has obtained leave of absence, on Medical Certificate, for two months from the 2nd November last.

Mr. J. H. Master, Assistant Commissioner of Nagpore, has obtained leave of absence, under Section XII. of the Revised Civil Absentee Rules, for one month, from the 1st Ultimo.

No. 989.

The leave of absence for two months, on urgent private affairs, granted by the Chief Commissioner in the Punjab to Lieutenant Colonel H. B. Edwardes, C. B., is confirmed.

Lieutenant Colonel J. Nicholson, Deputy Commissioner, Peshawur, will officiate as Commissioner of the Division, during Colonel Edwardes' absence.

G. F. EDMONSTONE,

Secy. to the Govt. of India.

No. 286.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 19th February 1857.—Baboo Satcowry Roy, to be a Deputy Collector under Regulation IX. of 1833, and to be attached to the 3rd or Eastern Division of the Revenue Survey with the full powers of a Collector under Regulations VII. of 1822, and IX. of 1825 in the Districts of Dacca, Mymensing, Furreedpore, Backergunge, Tipperah and Sylhet.

The 23rd February 1857.—Mr. S. C. Amesbury, to be Civil Assistant Surgeon of Dinagepore.

Baboo Brojonauth Carfirma, to be Sub-Assistant Surgeon of Pubna.

The 27th February 1857.—Mr. E. Grey, to be in charge of the Sub-Division of Cutwa, and to exercise the special powers of an Assistant to a Magistrate, described in Clause 3, Section II., Regulation III. of 1821, and the powers of an Assistant Collector described in Section 21, Regulation VIII. of 1831, in the districts of Nuddea, Burdwan, and Beerbhoom.

Mr. J. A. Crawford, to be Assistant to the Magistrate and the Collector of Hooghly.

The Reverend C. W. Cahusac, to officiate as Chaplain of Barrackpore.

Leave of Absence.—The 19th February 1857.—Mr. H. Walker, Professor of Anatomy and Physiology in the Medical College, from the 5th to the 15th of April next, under the Rules applicable to Military Officers, in Staff employ.

Mr. R. O'Shaughnessy, Professor of Surgery in the Medical College, from the 23rd March to the 15th of April next, under the Rules applicable to Military Officers, in Staff employ.

The 27th February 1857.—The Reverend C. J. Quartley, Chaplain of Barrackpore, for eighteen months, on Medical Certificate, under Section XI. of the new Military Furlough Rules.

The privilege leave of absence, for one month, granted by the Lord Bishop of Calcutta, to the Reverend E. K. Maddock, Chaplain of St. James' Church, is confirmed.

E. H. LUSHINGTON,

In charge of the Office of the Secretary to the Govt. of Bengal at the Presidency.

No 26.

Fort William, Public Works Department,

PUBLIC,

The 2nd March 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to confirm, the grant by the Chief Commissioner of the Punjab, of one month's leave, on Medical Certificate, from the 15th October to the 15th November 1856, to Lieutenant D. W. Martin. Assistant Executive Officer Lower Umballa Division, in extension of the leave granted to that Officer in Notification No. 140 of the 6th August last.

W. E. BAKER, *Lieut.-Col.*

Secy. to the Govt. of India.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 22 E. of 1857.

Judicial Department,

Head Quarters, the 26th February 1857.

Leave of Absence.—Assistant Surgeon R. S. Thring, M. D., for one month, from 15th Proximo, preparatory to proceeding to Europe, on Medical certificate.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 820 of 1857.

Revenue Department,

Agra, the 23rd February 1857.

Leave of Absence.—Rajee Ramsurrun Doss, Deputy Collector under Regulation IX. of 1833, in Zillah Dehlee, for ten days, *viz.* from the 9th to the 18th February 1857, under Section VI. of the Uncovenanted Leave Rules.

No. 843 of 1857.

The 24th February 1857.

Notification.—Mr. W. Johnson, Officiating Deputy Collector and Deputy Magistrate of Benares, is restored to the first grade of Deputy Collectors from this date.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 27th February 1857.

No. 331 *of* 1857.—Under instructions from the Hon'ble the Court of Directors, the Right Hon'ble the Governor General of India in Council is pleased to direct that the Staff Salary of the Pay Master and Superintendent of Native Pensioners Barrackpore Circle, shall be reduced to Rupees (250) two hundred and fifty per mensem.

Fort William, 2nd March 1857.

No. 332 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment as a special case :—

Captain W. W. Aubert, of the 34th Regiment Native Infantry, to be Pay Master and Superintendent of Native Pensioners Barrackpore Circle, *vice* Major Jervis.

No. 333 *of* 1857.—The under-mentioned Non-Commissioned Officers, having passed the prescribed examination, are appointed to officiate as Sub-Conductors in the Ordnance Commissariat Department, from the 14th Ultimo, leaving the dates of their Warrant for future adjustment :—

Magazine Serjeant James Parker, acting temporarily as a Sub-Conductor in the Arsenal of Fort William, and now doing duty in the Agra Magazine.

Serjeant G. H. Manvill, Garrison Engineer's Department, Fort William.

No. 334 *of* 1857.—The Order issued by the Officer Commanding at Dera Ishmael Khan, dated the 23rd January 1857, directing Assistant Surgeon F. Powell, of the 3rd Sikh Infantry, to afford Medical aid to the Right Wing of the 4th Punjaub Cavalry, arrived in course of Relief, in addition to his own duties, is confirmed.

No. 335 *of* 1857.—Conductor Henry Shaw, of the Ordnance Commissariat Department, attached to the Arsenal Establishment, is allowed leave of absence for two months, to proceed to Sea on Medical Certificate.

No. 336 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointments :—

PUNJAUB IRREGULAR FORCE.

3rd Infantry.

Lieutenant A. U. F. Ruxton, Adjutant, to be Second in Command, *vice* Captain Smith, who has obtained extension of leave, and consequently forfeited his Staff appointment.

Lieutenant J. Gillespie, Acting Adjutant, to be Adjutant, *vice* Lieutenant Ruxton, promoted.

REGIMENT OF SIKH INFANTRY.

4th Infantry.

Lieutenant J. N. B. Hewett, of the 17th Regiment Native Infantry, to do duty, *vice* Lieutenant Smith, and to act as Adjutant, during the leave of absence of Lieutenant Wheeler.

No. 337 *of* 1857.—The services of Lieutenant C. H. Ricketts, of the 5th Regiment Madras Light Cavalry, Adjutant of Cavalry Nagpore Irregular Force, are placed temporarily at the disposal of the Government of Fort St. George for Regimental duty.

No 338 *of* 1857.—The leave of absence, for fifteen months, to proceed to Sea and the Cape of Good Hope on Medical Certificate, under the new Regulations, granted to Major General H. F. Salter, C. B., of Cavalry, in Government General Order No. 183 of the 31st January 1856, is extended for a period of three months to enable him to proceed thence to Europe on the same account.

No. 339 *of* 1857.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor of Bengal, are published in General Orders :—

Appointment, 16th February 1857.—Major J. Butler, to officiate as Deputy Commissioner of Assam.

Leave of Absence, 16th February 1857.—Major H. Vetch, Deputy Commissioner of Assam, for two months, on Medical Certificate, under the Rules applicable to Military Officers in Staff employ, preparatory to applying for Furlough to proceed to Europe.

The 17th February 1857.—Civil Assistant Surgeon G. N. Cheek, of Bancoorah, for one month and three days, under the Rules applicable to Military Officers in Staff employ, in extension of the leave granted to him on the 11th of September last.

No. 340 *of* 1857.—The following Notification, issued by the Hon'ble the Lieutenant-Governor North-Western Provinces, is published in General Orders :—

No. 351 A., *dated 20th February* 1857.—*Appointment* —Lieutenant C K M Walter, 73rd Regiment Native Infantry, to officiate as 1st Assistant to the Commissioner of Ajmere

Fort William, 3rd March 1857

No. 341 *of* 1857.—The Order issued by the Officer Commanding at Asnee, dated 12th January 1857, placing Assistant Surgeon F F. Dukes, of the 5th Punjaub Cavalry, in Medical Charge of Detachments of the 1st Sikh Infantry which arrived to relieve detachments of the 4th Police Battalion, is confirmed.

No. 342 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on furlough, on private affairs :—

Captain Byam Martin Loveday, of the 15th Regiment Native Infantry, ...	For two years, under the new Regulations

No. 343 *of* 1857 —The following Order, issued by the Government of Bombay, is confirmed :—

No. 133 *dated* 31*st January* 1857.—Granting leave of absence to Europe, on Medical Certificate, to Captain G. Nightingale, 18th Madras Native Infantry, Commandant of the 4th Regiment of Cavalry, Hyderabad Contingent, ...	For fifteen months, under the new Regulations.

No. 344 *of* 1857 —The under-mentioned Officer of the Infantry is promoted to the rank of Captain by Brevet, from the date expressed opposite to his name :—

50th Regiment Native Infantry

Lieutenant George Robert Pratt Barlow, ...	3rd March 1857.

No. 345 *of* 1857.—The under-mentioned Officer has returned to his duty on this establishment without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Fort William.
Surgeon Anthony Beale, of the Medical Department, ...	28th Feb. 1857

No 346 *of* 1857.—The under-mentioned gentleman is admitted to the service, in conformity with his appointment by the Hon'ble the Court of Directors, as an Assistant Surgeon on this Establishment :—

	Date of Arrival at Fort William.
Medical Department	
Mr William Eddowes, ...	2*nd March* 1857

No. 347 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captain Edward Thompson, of the 1st Regiment Native Infantry, ...	For three years, under the old Regulations
Captain Robert Campbell Barclay, of the 68th Regiment Native Infantry, ...	For three years under the old Regulations.

No. 348 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on Sick Certificate :—

Brevet Major John Harle Maxwell, of the Corps of Engineers, Executive Engineer Sealkote Division of Public Works, ...	For three years, under the old Regulations.
Brevet Major Francis Claude Burnett, of the Regiment of Artillery, ...	For three years, under the old Regulations
Lieutenant John Fombelle Templer, of the 3rd European Regiment, ...	For three years, under the old Regulations.

No. 349 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotion and alteration of rank :—

10th Regiment Native Infantry.

Ensign Horace Albert Browne, to be Lieutenant, *vice* Lieutenant Edward Sampson Whish, transferred to the Invalid Establishment, with rank from the 23rd November 1856, for the augmentation.

Alteration of rank.

Rank and Name	To rank from	In whose room.
Lieutenant J R. Simpson	9th July 1856,	Lieutenant E S Whish, transferred to the Invalid Establishment

No. 350 *of* 1857 —Captain and Brevet Major James Gordon, of the 3rd Regiment Light Cavalry, is permitted to retire from the Service of the East India Company, on the Pension of a Lieutenant-Colonel, from the date of sailing of the Ship *Queen.*

No. 351 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Captain James Pattle Beadle, of the Corps of Engineers, Superintendent of Embankments Department of Public Works, Lower Provinces .	For fifteen months, under the new Regulations.

This cancels the furlough to Europe on private affairs granted to Captain Beadle, in Government General Order No. 1506 of the 5th December 1856

No 352 *of* 1857.—The services of Assistant Surgeon C R Francis, M. B, are placed at the disposal of the Hon'ble the Lieutenant-Governor of the North-Western Provinces.

R. J. H BIRCH, *Colonel,*
Secy. to the Govt. of India,
in the Mily Dept.

Opium Notification.

NOTICE is hereby given, that the third Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall, on Friday, the 13th March 1857, at 11 A. M., and will comprize 3,655 Chests, *viz.* :

	Chests.
Behar Opium	2,540
Benares ditto	1,115
Total Chests ..	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 18th and 28th March 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Wednesday, the 18th March 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Saturday, the 28th March 1857.

4. In addition to the quantity above advertized for Sale, the following quantities, more or less of Behar and Benares Opium of 1855-56, will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests	Total about Chests.
On or about Monday, 13th April 1857	2540	1115	3655
On or about Monday, 11th May ,,	2540	1115	3655
On or about Wednesday, 10th June ,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday, 10th August ,,	2540	1115	3655
On or about Friday, 4th September ,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thursday, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2559	1141	3700
	22879	10061	32940

By order of the Board of Revenue,

EDW. LUSHINGTON,

Junior Secretary.

FORT WILLIAM,
The 26th February 1857.

Notice.

THE General Treasury will be closed on Tuesday, the 10th, Wednesday, the 11th, and Thursday, the 12th Proximo, on account of the Hindoo Holidays, Dole-Jattra.

J. I. HARVEY,

GENERAL TREASURY,
The 21st February 1857. *Sub-Treasurer.*

NOTICE is hereby given, under orders of the Government of India, No. 902 dated 27th February 1857, that the sum of Company's Rupees 307-9-7 is in deposit in the General Treasury at the credit of R. Woodward, Esq., late a Civil Servant on the Bengal Establishment, which will be paid to Mr. Woodward or his Legal Representatives on their establishing their claims to the same to the satisfaction of the Sub-Treasurer.

J. I. HARVEY,

Sub-Treasurer.

FORT WILLIAM,
General Treasury,
The 3rd March 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Half a Second (½s.) after Mean Noon.

FORT WILLIAM,
The 28th February 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One-and-half Seconds (1½s) before Mean Noon.

ORFEUR CAVENAGH, *Lt.-Col.,*
Town Major.

FORT WILLIAM,
The 2nd March 1857.

Ecclesiastical.

CONFIRMATION

THE Confirmation, notice of which was given, to be held at the Cathedral, on Wednesday, the 17th December last, but postponed in consequence of the illness of the Bishop, will now take place, with the Divine permission, at Saint Paul's Cathedral, on Tuesday, the 10th day of March next.

Divine Service to commence at 10 o'clock.

The Confirmation for Natives, fixed for the 19th of December last, but also postponed for the reason assigned, will now take place at the Cathedral, on Friday, the 13th day of March next.

The Service to commence at 10 o'clock.

WM. HY. ABBOTT,

Registrar and Secretary.

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the

Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.*

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs, one cowrie, and one krantee share of the sum of Company's Rupees nine thousand and seventy-two, being the entire sudder jummah or Government Revenue chargeable on the said Estate; that is, Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Bamongachee, Juggutdispore, Dhanookollah, Jonadhunpore, Ramnauthpore, Hurrydebpore, Bhadagovindpore, Joynogare, Earnogore, Malloopore, Buddinauthpore, and Khenpookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Pooalee, Chuckhinda, and Nooabad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *viz.* Nij Kamdauree, Booraul, Rajarampore, Kasherepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgunge, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calcutta, three Mouzahs or Kismuts, *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No. 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the Indigo Factory is built, and also for the Nejabad lands thereto belonging; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,

H. SWINHOE, *Attorney.* *Master.*

CALCUTTA SUPREME COURT;
Master's Office,
The 13th February 1857.

TO BE peremptorily sold, pursuant to a decree of the Supreme Court of Judicature, at Fort William in Bengal, bearing date the Twenty-fifth day of July, One thousand Eight hundred and Fifty-five, made in a Cause wherein Pro-ono Coomar Tagore is Complainant, and Aushootosh Day, Sreemutty Nemoymoney Dossee, Sreemutty Sattomoney Dossee, and John Cochrane, are Defendants, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Friday, the sixth day of March next, at the hour of twelve o'clock, the following parcels of property:—

A moiety of the following Mouzahs or Villages, namely:

In Chuckla Sreenuggore in Zillah Nuddea a moiety of the Villages called Jogonauthpore Amdangah Gouresally Aditopore Sehalaparra Gholah Sorsadangah Chinapookeerah Nalabaiah Pateela (or Hoodapateela) Debgram Kharabaree Mooregacha Sreedhurpore Ghoja (Horakatty Dhakoorea Andoleepotha) Chundpore Nokaree (or Lakaree) Barebareah Bizrah Mirzapore Gatra Jangooleeah Ramkistopore Narainpore Mundlehaut Kuddumbgatchee Hajrapotha Panpore Neizrah (Neizdoor) Nondoshchinda Burda Khaun Julkar New Beel Esur Parnamee Mohul Adorea Mehal Manjdeah Kismut Jeelollah Mantcoomrah Tank Sumbhoo Kur's Garden small house and Nalculdangah Degur.

In Pergunnah Paungnoor in Nuddea aforesaid a moiety of the Villages called Neizseepore Parbuttypore Goorparah Noamuntpore Gillapole Kismut Naamunt Rabanbooroo Nandighat Jugpore Sumbhoogungo Mosoonda Maleeparah (or Analeepotah) Baliadanga Bediamundpore Rubna Goulnuddea Manjdea Bycauntpore Dorruppore Khamar Rajapore Narainpore Chundooriah Birmoporeah Haut Birmoporrah Kootubpore (or Kontakpore) Simrally Rooppore Nurroputtoparrah Ramessurpore Oochitpore Hurrispore Kastodangah Sobidpore Goopeenauthpore Nara Gazeepore Muddendeah Dhara Duttoparrah Kooroombaliah Hazarabaha Bellhally Ruggonathpore.

In Dhee Saumtah in Nuddea aforesaid a moiety of the Villages called Neiz Rooderpore Dhee Moolghur Choopunghur Dhoolee Kabaduah (or Kanoaduho) Chundunpore Tarkee (or Daurkee) Gowarrah (or Dukhin Gowarrah) Sickree Rampore Satai Rastarah Degur Jeerungatcha (or Jeal-

gatcha) Essanuggur Ettha Jogeer Hoodah Badanabhorim Mohisparrah Sonatun Kattee Bundoleah (or Bahumea) Bosutpore Paneesarah Naburim Modhulee Mohegna Kismis Dhonemasha Notebmundle's Mehal Assanund Annoye's Mehal Punchoo Gazee's Mehal Sircary Catchury House Handeepore Bazar Haddy Sirdar's Mehal Kannoye Gazee's Mehal Ramchand Perdhan's Mehal Roopchund Perdan's Mehal Dukty Nye's Mehal Sonatun Mitter's Mehal Essur Parray's Mehal Sooby Dookie's Mehal Sanbake Lokeshan Mehal Chundumpore Kartick Roy's Mehal Kerparain Perdan's Mehal and Luckhinarain Roy.

A moiety of all that Talook called Turruff Santipore, in Zillah Nuddea, all that upper-roomed Dwelling-house, with the parcel of land thereto belonging, containing by estimation nine Cottahs more or less, situate at Saumbazar in Calcutta, and bounded on the East by Cornwallis Street, on the West by a house and premises belonging to Suckmoy Dossee and Samasoondery Dossee, on the North by a house and promises belonging to Neelmaudhub Bose, and on the South by a Golah Battee belonging to the late Kistoram Bose.

All that Dwelling-house, together with the parcel of land thereto belonging, situate at Sootanooty, Saumbazar, in the Town of Calcutta, containing by estimation nine beegahs and seven cottahs, more or less, and bounded on the East, by a Company's public road, on the West partly by the property of Raja Radakant Deb and partly by the property of Ramhurry Ghose and Buddinauth Bose, on the North by a parcel of land belonging to Cossinauth Ghose, and on the South by the Company's Road called Bulloram Ghose's Street.

All that Garden, situate at Chitpore, Dhee Duckhin Pykeparrah, containing six beegahs and ten cottahs of ground, more or less.

All that Rum Distillery at Chitpore, aforesaid, called the Chitpore Rum Distillery, with the land thereto belonging.

Further particulars and Conditions of Sale may be had at the Master's Office, or of the Attorney for the Complainant.

W. MACPHERSON,
Master.

P. J. PAUL,
Attorney for the Complainant.

CALCUTTA, SUPREME COURT ;
Master's Office,
The 20th February 1857.

For Dacca and Assam.

A Steamer, with the Flat in tow, will be despatched on the 10th Instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

J. WOODLEY,
Clerk of the Govt. Boat Office.

The 2nd March 1857.

Calcutta University.

SUBJECTS FOR THE BACHELOR OF ARTS.

DEGREE EXAMINATION—1858.

I. LANGUAGES.

English.

Shakspeare	...	Macbeth.
Dryden	...	Cymon and Iphigenia.
		Flower and the Leaf.
Addison	...	Essays from the Spectator.

Greek.

Sophocles	...	Antigone.
Herodotus	...	Book 7. Polymnia.
		Book 8, Urania.

Latin.

Virgil	...	Æneid, Books 1 to 6.
Cicero	...	4 Orations against Catiline.

Hebrew.

Deuteronomy. Daniel I—VII.
Isaiah I—XXXIX. Proverbs.
Psalms I—XLI.

Arabic.

Ikhwán al Safa, Soyuti's Tarík al Kholfa.

Persian.

Sekandar Nameh, Abu-al-Fazl's Letters.

Sanskrit.

Kiratarjuniya, Viracharita.

Bengali.

Batrish Singhasan, Purush Parikhya, Mahabharat, Books 1 to 3.

Hindee.

Urdu.

The papers in each Language will include Questions on Grammar* and Idiom.

Sentences in each of the languages in which the Candidate is examined will be given for translation into the other Language.

II. HISTORY.

The principles of historic evidence as treated in Isaac Taylor's two works on the subject, or other similar books.

The History of England, including that of British India, to the end of 1815.

* For Sanskrit, instead of the older Grammars, such works as Ishwar Chandra Sharma's two Grammars, or that of Mr. Williams; and for Bengali, Rammohun Roy's, Dr. Yates', or Shamachurn Sirkar's Grammar will be used in the Examination.

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, MARCH 4, 1857.

NOTICE is hereby given, under Section. VI. Act I. of 1845, that the under-mentioned Estates in Zillah Sylhet, will be put up to Public and unreserved Sale, at the Collector's Office of that District, on the 16th day of March 1857, for Arrears of Revenue and all other Demands which, by the Regulations and Acts in force are directed to be realized in the same manner as Arrears of Revenue due on the 19th January 1857 :—

Class 1.—Permanently-settled Estates.

No. 31.—Talook Mooktaram Sein, Pergunnah Badelshure ; recorded proprietors, Shaheb Ram and others ; sudder jumma, rupees 20-14-6.

No. 313.—Talook Moolook Chund, Pergunnah Cooshear Cool ; recorded proprietors, Rozak Mahomed and others; sudder jumma, rupees 27-15-2.

No. 102.—Talook Molick Mahomed, Pergunnah Ruffeenugur ; recorded proprietors, Nowaz Mahomed and others ; sudder jumma, rupees 11-1-6.

No. 122.—Talook Mouza Ramkistopore, Pergunnah Lungla ; recorded proprietor, Ram Chand ; sudder jumma, rupees 10-3-10.

No. 179.—Talook Doorgapore, Pergunnah ditto, recorded proprietor, Annud Bancha Ghose ; sudder jumma, rupees 21-8-9.

No. 607.—Talook Luckheenugur, Pergunnah Lungla; recorded proprietor, Hoolash Ram Deb sudder jumma, rupees 10-3-10

No. 130.—Talook Jeebonanud, Pergunnah ditto ; recorded proprietors, Shoroop Chunder Roy and others; sudder jumma, rupees 13-13-10.

No. 37.—Talook Soonder Ram, Pergunnah Atooajan ; recorded proprietor, Prokas Chunder Doss ; sudder jumma, rupees 30-14-11.

No. 84.—Talook Sreemunth Khan, Pergunnah ditto ; recorded proprietors, Shebanund and others ; sudder jumma, rupees 16-6-10.

No. 57.—Talook Chand Ram Chowdry, Pergunnah Chamtollah ; recorded proprietor, Mr. A. Vincent ; sudder jumma, rupees 108-9-5.

No. 4.—Talook Romabullub Roy, Pergunnah Havilly Shotrosoty ; recorded proprietors, Pooroshutum Dutt and others ; sudder jumma, rupees 100-11-1.

No. 754.—Talook Goureebullub, Pergunnah Chowalies ; recorded proprietors, Manick Ram Dutt and others ; sudder jumma, rupees 41-13-0.

No. 54.—Talook Mahomed Tuckee, Perguannah Bajoorah ; recorded proprietor, Golamhosen ; sudder jumma, rupees 17-14-9.

No. 1.—Talook Syud Mahomed Nazir Hessa Syud Mahomed Bateer, Pergunnah Turrup ; recorded proprietors, Nubkisto Mojomdars and others ; sudder jumma, rupees 3164-5-4

No. 1.—Talook ditto, Hissa Syud Nymullah, Pergunnah ditto ; recorded proprietors, Manick Ram and others ; sudder jumma, rupees 373-1-1.

No. 2.—Talook Syud Ahmud Ally Hissa, Syud Ahmud Rezah, Pergunnah ditto ; recorded proprietors, Prosooram and others ; sudder jumma, rupees 1509-0-0.

No. 2.—Talook ditto, Hissa Syud Muddun Reza, Pergunnah ditto ; recorded proprietors. Rumbullub and others ; sudder jumma, rupees 2784-3-2.

No. 2 —Talook ditto, Hissa Syud Kaimrezah, Pergunnah ditto; recorded proprietors, Joygovind Roy and others ; sudder jumma, rupees 1,966-14-11

No. 2.—Talook ditto, Hissa Syud Kolin Rezah, Pergunnah ditto; recorded proprietors, Joygovind Roy and others; sudder jumma, rupees 718-12-10.

No. 273.—Talook Govind Ram Serma, Pergunnah ditto; recorded proprietor, Ramkanth Sermah and others; sudder jumma, rupees 13-2-2.

No. 459.—Talook Jamal Keshore, Pergunnah Turruff; recorded proprietor, Jamaldee; sudder jumma, rupees 10-10-8.

No. 1165.—Talook Nugda Chowbeh, Pergunnah ditto; recorded proprietor, himself; sudder jumma, rupees 11-10-8.

No. 1.—Talook Syud Abool Hosein, Hissa Syud Ekber Hosein, Pergunnah Godahoseinnugur; recorded proprietors, Kisto Churn Kur and others; sudder jumma, rupees 187-1-1.

No. 30.—Talook Syud Reajoo Rohoma, Pergunnah ditto; recorded proprietors, Syud Reajoo Rohama and others; sudder jumma, rupees 139-7-6.

T. P. LARKINS,

Offg. Collector.

SYLHET COLLECTORSHIP,
The 16th February 1857.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

Numb. 20. [451]

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

WEDNESDAY, MARCH 11, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 28th February 1857, and was referred to a Select Committee who are to report thereon after the 11th of June next:—

A Bill to amend Act IX of 1850.

Preamble.

WHEREAS it is expedient that the rate of diet money required to be deposited for the subsistence of a person imprisoned under a judgment of a Court of Small Causes, should be varied on due cause being shown; It is enacted as follows:—

Power to make and alter orders as to amount of diet money to be deposited for persons imprisoned under Small Cause Court judgments.

I. It shall be lawful for a Judge of a Court of Small Causes holden under Act IX of 1850, on due cause being shown, to order that the diet money to be deposited for the subsistence of a prisoner taken in execution under a warrant of the Court shall be deposited after a rate of not less than one anna nor more than four annas for each day. Every such order may from time to time be revised and altered on due cause being shown.

Construction.

II. This Act shall be read with and taken as a part of Act IX of 1850.

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 495.

Fort William, Home Department,
The 9th March 1857.

Notification.—The Right Honorable the Governor General in Council is pleased to attach Mr. H. J. Reynolds, of the Civil Service, reported qualified for the Public Service, to the Bengal division of the Presidency of Fort William.

No. 496.

The 10th March 1857.

Mr. A. T. Maclean, appointed by the Honorable the Court of Directors a Member of the Civil Service on the Bengal Establishment, reported his arrival at the Presidency on the 3rd instant, by the Steam-ship *Bentinck*.

CECIL BEADON,
Secy. to the Govt. of India.

No. 1099.

Fort William, Foreign Department,
The 6th March 1857.

The Governor General in Council is pleased to make the following appointments:—

Gwalior Contingent, 5th Infantry.

Captain J. W. Carter, Second in Command, to officiate as Commandant, during the absence, on leave, of Lieutenant Colonel P. Harris, or until further orders.

Lieutenant C. M. L. Clarke, Adjutant of the 2nd Infantry, to officiate as Second in Command, *vice* Captain Carter.

Mhairwarra Local Battalion.

Lieutenant W. Carnell, Adjutant, to officiate as Second in Command, in addition to his own duties, during the absence on leave of Captain E. J. Rickards, or until further orders.

No. 1100.

Lieutenant Colonel G. H. Macgregor, C. B., Agent to the Governor General at Moorshedabad, has obtained leave of absence for two days, in extension of the leave granted to him in G. O. dated 6th ultimo, No. 571.

No. 1101.

The 10th March 1857.

Mr. B. P. Singer, Extra Assistant Commissioner in the Province of Nagpore, has obtained leave of absence under Section 6 of the Uncovenanted Leave Rules, for seven days, from the 3rd ultimo.

No. 1102.

Lieutenant T. F. Forster, Assistant Commissioner in the Punjab, has obtained leave of absence, on private affairs, for one month, in extension of the leave granted to him in G. O. dated 6th January last, No. 33.

No. 1103.

The leave of absence for two months, granted to Lieutenant Colonel P. Harris, Commandant of the 5th Infantry, Gwalior Contingent, in G. O. dated 27th ultimo, No. 984, is to have effect from the 25th idem, instead of the 1st instant.

No. 1104.

The leave of absence granted to Lieutenat A. O. Mayne, Commandant of Artillery, United Malwa Contingent, in G. O. dated 13th ultimo, No. 711, is extended to the 17th proximo, or to the date on which he may embark from Bombay for Europe.

No. 1105.

Mr. G. C. Barnes, Commissioner and Superintendent, Cis-Sutlej States, reported his return to India on the 21st ultimo, from the leave of absence granted to him in G. O. dated 20th July 1855, No. 2600.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 1053 of 1857.

Judicial Department,
Agra, the 5th March 1857.

Appointments.—Assistant Surgeon Henry William Spry to be Civil Assistant Surgeon of Ajmere.

No. 1056 of 1857.

Mr. Edward Thomas Colvin to officiate as Civil and Sessions Judge of Jounpoor, from the date on which Mr. Taylor may make over charge of the Office, and to succeed to it permanently from the date on which Mr. Taylor retires from the Service.

Mr. John Shore Dumergue to be Civil and Sessions Judge of Cawnpoor, from the date on which the appointment may be permanently vacated by Mr. Colvin, but to continue to officiate as Civil and Sessions Judge of Allygurh till further orders.

No. 1060 of 1857.

Leave of Absence.—The usual preparatory leave, under the Orders of the Government of India, dated 14th November last, is granted to Mr. W. Blunt, Assistant Collector and Magistrate of Futtehpore, from the 1st instant, to enable him to reach the port of embarkation for Europe.

No. 1061 of 1857.

Appointment.—Assistant Surgeon A. St. A. Wilson, M. D., appointed to the Station of Nainee Tal, by His Excellency the Commander-in-Chief, received Medical charge of that Civil Station on the 1st January 1857.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 947 of 1857.

Judicial Department,
Agra, the 2nd March 1857.

Leave of Absence.—Lieutenant G. Browne, Deputy Commissioner of Chundeyree, for ten days, from the 1st to the 10th March inclusive, under the Rules applicable to Military Officers on Staff employ.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 7th March 1857.

No. 373 *of* 1857.—The following Notifications, from the Public Works Department, are published in General Orders:—

No. 27, *dated 6th March* 1857.—*Appointment.*—Captain J. Michael, of the 39th Regiment Madras Native Infantry, is appointed an Executive Engineer of the 2nd Class and posted as Assistant to the Chief Engineer at Hyderabad.

No. 30, *dated 6th March* 1857.—*Leave of Absence.*—Captain J. H. Wright, 1st Regiment Madras Native Infantry, late Executive Officer of the Meaday Section of the Toungoop Road, has leave of absence, on Medical certificate, from 27th November 1856 to 6th February 1857, to visit the Presidency.

No 31, *dated 6th March* 1857.—The Right Hon'ble the Governor General in Council is pleased to grant to Captain T. C. Bird, 36th Madras Native Infantry, Executive Engineer, Chanda Division, leave of absence, on Medical certificate, for three months, from the 10th December 1856, the date of his quitting Chanda.

No. 374 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders:—

No. 1044, *dated 5th March* 1857.—The Governor General in Council is pleased to appoint Assistant Surgeon J. Ewart, M. D., Civil Surgeon of Ajmere, to the Medical charge of the Meywar Bheel Corps, *vice* Dr. J. C. Bow.

The services of Assistant Surgeon E. R. Butler, M. D., in temporary Medical charge of the Meywar Bheel Corps, are re-placed at the disposal of the Government of Bombay.

No. 1045, *dated 5th March* 1857.—The Notification dated 6th June 1856, No. 3230, publishing the grant of two months' leave of absence, on Medical certificate, from 2nd April last, to Assistant Surgeon A. Young, in Medical charge of the Joudpore Legion, is hereby cancelled, and that Officer's absence is to be considered as on privilege leave from 2nd to 30th April, and on sick leave from 1st May to 1st June 1856.

No. 1046, *dated 5th March* 1857.—Lieutenant Colonel J. Clarke, Deputy Commissioner of Goojranwallah, has obtained leave of absence from the 12th instant to the 8th proximo, or to the date on which he may embark to Europe,

in extension of the leave granted to him in Orders of 6th February, for the purpose of visiting Bombay, preparatory to applying for Furlough.

No. 1047, *dated 5th March* 1857.—Captain A. L. Busk, Deputy Commissioner of Thanesur, has obtained leave of absence, on Medical certificate, under the new Military Furlough Rules, for six weeks, from the 10th instant, or from the date on which he may avail himself of it, to enable him to proceed to Calcutta, preparatory to applying for Furlough. That portion of General Order dated 20th ultimo, No. 825, granting Captain Busk leave of absence for two months, is cancelled.

No. 375 *of* 1857.—Lieutenant T. Chalmers, of the 53rd Regiment Native Infantry, who was appointed a Sub-Assistant Commissary General on probation, in Government General Order No. 870, of the 17th June 1856, with effect from March 1856, inclusive, having passed the Examination prescribed in General Orders by the Governor General dated 16th September 1851, is permanently attached to the Army Commissariat Department, with effect from the 5th instant.

No. 376 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant Sidney Chalmers, of the 53rd Regiment Native Infantry, Sub-Assistant Commissary General	For fifteen months, under the new Regulations.

Fort William, 9th March 1857.

No. 377 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Surgeon Henry Walker, of the Medical Department, Professor of Anatomy and Physiology in the Medical College	For fifteen months, under the new Regulations.

No. 378 *of* 1857.—Gunner John Meehan, of the 1st Troop 1st Brigade Horse Artillery, who was admitted to Pension in Europe, subject to the approval of the Hon'ble the Court of Directors, in Government General Order No. 1398, of the 10th November 1856, is permitted instead to draw his stipend in India, subject to the Court's approval.

No. 379 *of* 1857.—The Regimental Order issued to the 2nd Regiment Oude Irregular Cavalry, dated the 19th February 1857, directing Lieutenant J. S. Shepherd, Second in Command and Officiating Adjutant, to make over charge of the Adjutant's Office to Major Gale, consequent on the departure of the former Officer on Command to Secrora, is confirmed.

No. 380 *of* 1857.—The leave of absence to visit the Presidency on Medical certificate, granted by the Chief Commissioner, Punjaub, to Lieutenant G. Wheeler, Adjutant and Officiating Second in Command of the 4th Regiment Sikh Infantry, confirmed in Government General Order No. 1001, of the 22nd July last, and extended in Government General Order No. 1418, of the 14th November 1856, is further extended to the 11th January 1857, the date on which that Officer embarked for Europe.

No. 381 *of* 1857.—Third Class Sub-Assistant Surgeon Jodoonauth Bose, who was nominated for temporary employment in the Jail Hospital at Moulmein, is, at the recommendation of the Medical Board, dismissed from the Service.

Fort William, 10th March 1857.

No. 382 *of* 1857.—The services of 2nd Lieutenant E. W. Humphry, of the Corps of Engineers, attached to the Sappers and Miners, are placed at the disposal of the Public Works Department.

No. 383 *of* 1857.—Brevet Lieutenant Colonel George Cautley, of the 8th Regiment Light Cavalry, is permitted to proceed to Sea on Medical certificate, and to be absent from Bengal on that account for two years, under the old Regulations.

No. 384 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotions in the Subordinate Medical Department :—

Hospital Apprentice James Judd to be Assistant Apothecary, from the 21st September 1856, *vice* Assistant Apothecary Edward Cox, deceased.

Hospital Apprentice William Devery to be Assistant Apothecary, from the 31st October 1856, *vice* Assistant Apothecary John Lockart Reid, permitted to resign the Service.

Hospital Steward Joseph Hurst to be Apothecary	From the 11th November 1856, *vice* Apothecary George Daly, deceased.
Assistant Apothecary James Alexander Barthelemy to be Hospital Steward	
Hospital Apprentice Alexander George Price to be Assistant Apothecary...	

Hospital Apprentice Joseph James Barnes to be Assistant Apothecary, from the 13th November 1856, *vice* Assistant Apothecary John Robert McEnerney, dismissed.

Hospital Apprentice John Bailey to be Assistant Apothecary, from the 20th November 1856, *vice* Assistant Apothecary Christopher Joshua Leopold, dismissed.

No. 385 *of* 1857.—Subadar Fyzolla Khan, of the 1st Regiment Punjaub Infantry, is permitted to resign the Service of the East India Company from the date of publication of this Order at the Head Quarters of the Corps.

No. 386 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Fort William.
Lieutenant and Brevet Captain Fleming Malcolm Martin, of the 52nd Regiment Native Infantry	20th Feb. 1857.

No. 387 *of* 1857.—The Order issued by the Officer Commanding Sirialbundh Hazara, dated 19th January 1857, directing Apothecary G. Harding, 2nd Sikh Infantry, to afford Medical aid to the Hazara Mountain Train while it remains at that Station for the annual practice, in addition to his other duties, is confirmed.

No. 388 *of* 1857.—The under-mentioned promotions will take place, consequent on the death of the following Officer :—

Lieutenant General Thomas Morgan, Bombay Infantry, died on the 6th December 1856.

Brevet.

Lieutenant Colonel John Gwennap Hume, Bombay Infantry, to be Colonel in the Army ... ...
Major George Cator Stockley, Bombay Infantry, to be Lieutenant Colonel in the Army
Captain Sir George Parker, Baronet, Bengal Infantry, to be Major in the Army ...

} From the 6th December 1856.

No. 389 *of* 1857.—Captain Joseph Fletcher Richardson, of the 49th Regiment Native Infantry, Commandant of the 8th Irregular Cavalry, is allowed leave of absence for one month, from the 1st to the 30th proximo, to visit Bombay, with permission to proceed thence to Europe on Furlough on private affairs for six months, under the new Regulations.

No. 390 *of* 1857.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what Rank promoted.	From what date.	In whose room.
5th Regt. Lt. Cavy.	Havildar Seetul Sing, ...	Jemadar, ..	25th December 1856,	Sunkur Sing, deceased.
14th Regt. N. I.,	Subadar Bowany Deen, ...	Subadar Major, ..	1st December 1856,	Gunga Ram, invalided.
	Jemadar Mawn Sookul, ...	Subadar, ...	Ditto,	Gunga Ram, invalided.
	Havildar Sunkur Tewary, ..	Jemadar, ..	Ditto,	Mawn Sookul, promoted.
16th Regt. N. I.,...	Havildar Doorgah Ditchit, ...	Ditto, ..	15th December 1856,	Isseree Tewarry, deceased.
21st Regt. N. I.,	Jemadar Ramdeen Sookul, ...	Subadar, ..	10th October 1856,	Markun Sookul, deceased.
	Havildar Burjore Misser, ...	Jemadar, ..	Ditto,	Ramdeen Sookul, promoted.
27th Regt. N. I.,	Jemadar Soonaut Sing ...	Subadar, ..	6th December 1856,	Bhyroo Tewarry, deceased.
	Havildar Lolla Jurrawen, ...	Jemadar, ...	Ditto,	Soonaut Sing, promoted.
31st Regt. N. I.,	Havildar Seetul Misser, ...	Ditto, ..	23rd December 1856,	Sewnauth Sing, deceased.
73rd Regt. N. I.,	Subadar Chundedeen Sookul, ..	Subadar Major ..	20th November 1856,	Davee Singh, deceased.
	Jemadar Sheikh Mukdhoom Buksh,	Subadar, ..	Ditto,	Ditto ditto. [ed.
	Havildar Nuthoo Lalla, ..	Jemadar, ..	Ditto,	Sheikh Mukdhoom Buksh, promot-
	Jemadar Munohur Ram, ...	Subadar, ...	2nd December 1856,	Uchuring Sing, deceased.
	Havildar Ramdeen Ram, ...	Jemadar, ..	Ditto,	Munohur Ram, promoted.
10th Regt. Irr. Cavy., ..	Jemadar Fyzoolah Khan, ...	Naib Ressaldar, ..	11th December 1856,	Golam Murtooza Khan, deceased.
	Kote Duffadar Rampersad, ...	Jemadar, ..	Ditto,	Fyzoolah Khan, promoted.
11th Regt Irr. Cavy., ...	Naib Ressaldar Jan Sher Khan, ...	Ressaidar, .	14th December 1856,	Puteeb Khan, deceased.
	Jemadar Golam Hussein Khan, ...	Naib Ressaldar ..	Ditto,	Jan Sher Khan, promoted.
	Kote Duffadar Jeewun Khan, ...	Jemadar, .	Ditto,	Golam Hussein Khan, promoted.
1st Regt. Oude Irr. Cavy., ...	Ressaidar Silar Buksh, late of the Guide Cavalry, ...	Ressaldar ..	26th September 1856,	
	Mahomed Abooll Cassim, ...	Ressaidar ...	23rd September 1856,	
	Jemadar Foujdar Khan, late of the 13th Irregular Cavalry, ..	Naib Ressaldar ..	4th June 1856,	
	Jemadar Gholam Mohelodeen, late of the 1st Punjaub Cavalry, ...	Ditto, ..	20th May 1856,	
	Futteh Alli Shah, ...	Jemadar, ..	26th September 1856,	
	Secunder Khan, ...	Ditto, ..	14th September 1856,	
	Kote Duffadar Kurrim Buksh Khan, late of the 1st Pun. Cavy.	Ditto, ..	20th November 1856,	
	Havildar Zorawur Khan, late of the 3rd Light Cavalry, ...	Ditto, ..	9th December 1856,	
2nd Regt. Oude Irr. Cavy., ..	Naib Ressaldar Buldeo Sing, ..	Ressaidar ..	15th July 1856,	To complete the Establishment.
	Naib Ressaldar Meer Muhdeezuman,	Ditto, ..	1st August 1856,	
	Naib Ressaldar Maddaree Sing, ...	Ditto, ..	1st July 1856,	
	Kote Duffadar Mahomed Kasim Khan, late of the 12th Irr. Cavy.	Jemadar, ..	1st October 1856,	
	Kote Duffadar Meer Omaid Ullee, late of the 1st Irr. Cavy., ...	Naib Ressaldar ...	1st August 1856,	
	Kote Duffadar Mobaruck Hoosein, late of the 5th Irr. Cavy., ...	Ditto, ..	15th August 1856	
	Kote Duffadar Mirza Akhbur Beg,..	Ditto, ..	1st October 1856,	
	Abdool Ruzak,	Ditto. ..	29th July 1856,	
	Sultan Baber, ...	Jemadar ...	Ditto,	
	Jemadar Gholam Hyder Khan, late of the 2nd Cavy. Hy. Cont.	Ressaldar ..	15th November 1856,	
5th Infy. Oude Irr. Force, ...	Havildar Juwahir Singh, ..	Jemadar ..	12th November 1856,	Khairat Ali, promoted in G. O. No. 1597 of 1856.
Horse Fd. By., Nagpore Irr. Force, ..	Jemadar Zoorawur Sing, ...	Subadar, ..	28th February 1855,	Kunnae Sing, invalided.
	Havildar Gokool Persaud, ..	Jemadar, ..	Ditto,	Zoorawur Sing, promoted.
Guide Cavalry,	Jemadar Luteef Khan, ..	Ressaidar, ..	15th October 1856.	Silar Buksh, transferred to 1st Oude Cavalry.
	Kote Duffadar Jodha Singh, ..	Jemadar, ..	Ditto, ..	Luteef Khan, promoted.

Alteration of Rank, with reference to Government General Orders Nos. 1043 *and* 1597, *of the 4th August and 23rd December* 1856.

Corps.	Rank and Names.	From what date.	In whose room.
2nd Regiment Oudh Irregular Infantry	Jemadar Sewbucous Sing ...	1st May 1856	Soobhan Khan, promoted.
	Jemadar Jhangeer Khan ..	6th July 1856 ..	Ajraill Singh, deceased.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India, in the Mily. Dept.

Opium Notification.

NOTICE is hereby given, that the third Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall, on Friday, the 13th March 1857, at 11 A. M., and will comprize 3,655 Chests, *viz.* :

	Chests.
Behar Opium	2,540
Benares ditto	1,115
Total Chests...	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856, and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 18th and 28th March 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M of Wednesday, the 18th March 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Saturday, the 28th March 1857.

4. In addition to the quantity above advertized for Sale, the following quantities, more or less of Behar and Benares Opium of 1855-56, will be brought to Sale in the present year, on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so.

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 13th April 1857	2540	1115	3655
On or about Monday, 11th May ,,	2540	1115	3655
On or about Wednesday, 10th June ,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday, 10th August ,,	2540	1115	3655
On or about Friday, 4th September ,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thursday, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2559	1141	3700
	22879	10061	32940

By order of the Board of Revenue,
EDW. LUSHINGTON,
Junior Secretary.

FORT WILLIAM,
The 26th February 1857.

Notice.

REQUIRED for the District Roads under the Ferry Fund Committee of Patna, a Superintendent well versed in English and Urdu, and having an intimate knowledge of drawing out Plans, Estimates, use of the Levelling Staff, &c. &c. The Candidates should send in their Applications, with any Testimonials they have of their qualification and character, to the undersigned. The monthly pay of the appointment is fixed at Rupees 150.

J. M. LOWIS,
Officiating Magistrate, and Ex-Officio Secretary, Ferry Fund Committee.

PATNA MAGISTRACY,
The 24th February 1857.

Calcutta Court of Small Causes.

Notice.

THE Court-House being about to undergo repairs, the Court will be closed on Friday and Saturday, the 13th and 14th Instant, for the purpose of removal to the Bonded Ware-house Offices, where it will be re-opened for business on Monday, the 16th Instant.

By the Court,
OGILVY TEMPLE,
Clerk of the Court.

The 2nd March 1857.

NOTICE is hereby given, under orders of the Government of India, No. 902 dated 27th February 1857, that the sum of Company's Rupees 307-9-7 is in deposit in the General Treasury at the credit of R. Woodward, Esq., late a Civil Servant on the Bengal Establishment, which will be paid to Mr. Woodward or his Legal Representatives on their establishing their claims to the same to the satisfaction of the Sub-Treasurer.

J. I. HARVEY,
Sub-Treasurer.

FORT WILLIAM,
General Treasury,
The 3rd March 1857.

Notice.

THE General Treasury will be closed on Tuesday, the 10th, Wednesday, the 11th, and Thursday, the 12th Proximo, on account of the Hindoo Holidays, Dole Jattra.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 21st February 1857.

TO BE peremptorily sold, pursuant to a decree of the Supreme Court of Judicature at Fort William in Bengal, bearing date the 8th day of February, one thousand eight hundred and fifty-five, made in a certain Cause, wherein Aushootosh Day and the said Aushootosh Day and Sreemutty Nemoymonee Dossee and Sreemutty Satoomoney Dossee, Executor and Executrixes of the last Will and Testament of Promothonauth Day, deceased, are Complainants, and Bamondoss Mookerjee, Dwarkanauth Mullick, Rakhaldoss Mullick, and Woomeschunder Paul Chowdry are Defendants, with the approbation of the Master of the said Court, at his Office in the Court House, on the fourteenth day of March next, at 12 o'Clock in the noon, the following property, that is to say :—

Lot No. 1.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, including the lane or the piece of land on the South side thereof, between this lot and the lot No. 2, hereinafter mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East

by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, Lot No. 2, aforesaid; and on the North by the house and premises of Mr. Arratoon Caloos.

Lot No. 2.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a godown to the East thereof, and the piece or parcel of land whereon the same is erected and built, including the lane or piece of land between the dwelling-house and the godown, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of the said Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, lot No. 3, hereinafter mentioned; and on the North by the house and premises and lane, lot No. 1, hereinbefore mentioned. The purchaser of this lot, No. 2, will have a right of way over the lane or piece of land to the South of this lot and separating it from the dwelling-house comprised in lot No. 3, aforesaid.

Lot No. 3.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a godown to the East thereof, and the piece or parcel of land whereon the same is erected, including the lane or piece of land between the messuage and the said godown, and also including the lane or the piece of land between this lot and lot No. 2, hereinbefore mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises of Rammohun Mullick; and on the North by the house and premises, lot No. 2, aforesaid. This lot, No. 3, will be subject to a right of way for the purchasers of lots No. 2 and No. 4 over the lane or piece of land to the North of the dwelling-house comprised in this lot and separating the same from lot No. 2.

Lot No. 4.—All that piece or parcel of land situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. M. S. Owen; on the West partly by the lot No. 3, hereinbefore mentioned, and partly by the land and premises of Rammohun Mullick; on the South by the land and premises of Mr. P. J. Sarkies; and on the North partly by the lot No. 3, aforesaid. The purchaser of this lot if not the owner of the property on the East, South, or West side thereof, will have a right of way over the lane or piece of land belonging to lot No. 3, and running to the North and East of the dwelling-house comprised therein.

An outline Plan of the above lots may be inspected by intending purchasers at the Master's Office.

Lot No. 5.—All that messuage, tenement, or dwelling-house and the piece or parcel of land thereunto belonging, containing two cottahs and two chittacks, be the same a little more or less, situate, lying, and being in Hautkholah, in Calcutta, aforesaid, and butted and bounded in manner following, (that is to say), on the East by the house and premises of Berassore Nundy; on the West by the temple of Sree Sree Sedassory Thacoorany, belonging to Rajah Sibkisto Bahadoor; on the South by a lane leading to the Nauth's Bagaun; and on the North by the house and premises of Ramchunder Day.

Lot No. 6.—All that zemindary or talook called Chuklah Dhooliahpore and Dhee Kistopore, situate, lying, and being in the zillah of Nuddea, in the province of Bengal, the annual Government Revenue or sudder jumma whereof is Company's Rupees six thousand seven hundred and sixty-one, fifteen annas and one pie.

Lot No. 7.—All that zemindary or talook called Turruff Moonsufpore, situate, lying, and being in the zillah of Nuddea aforesaid, the annual Revenue or sudder jumma whereof payable to Government is Company's Rupees six thousand two hundred and sixty-four.

Lot No. 8.—All that zemindary or talook called Dhee Rajahpore, situate in the said zillah of Nuddea, the annual Government Revenue or sudder jumma whereof is Company's Rupees three thousand seven hundred and thirty-three, four annas and three pie.

Further particulars and conditions of sale may be had at the Master's Office, Supreme Court, or of Mr. Swinhoe, Attorney for the Complainants.

W. MACPHERSON,

Master.

P. J. PAUL, *Attorney.*

CALCUTTA SUPREME COURT;
Master's Office,
The 17th day of February 1857.

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on, and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.*:

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs, one cowrie, and one krantee share of the sum of Company's Rupees nine thousand and seventy-two,

being the entire sudder jummah or Government Revenue chargeable on the said Estate ; that is Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Bamongachee, Juggutdispore, Dhanookollah, Jonadhunpore, Ramnauthpore, Hurrydebpore, Bhadagovindpore, Joynogare, Earnogore, Malloopore, Buddinauthpore, and Khenpookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Pooalee, Chuckhinda, and Nooabad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *viz.* Nij Kamdauree, Booraul, Rajarampore, Kasherepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgunge, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calcutta, three Mouzahs or Kismuts *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No. 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the Indigo Factory is built, and also for the Nejabad lands thereto belonging; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3.—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,

H. SWINHOE, *Attorney.* *Master.*

CALCUTTA SUPREME COURT;
Master's Office,
The 13th February 1857.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of James Henry Love, of Cossitollah, in Calcutta, late Proprietor of the *Morning Chronicle* and *Eastern Star*, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter should stand adjourned until Saturday, the 2nd day of May next, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest should be enlarged to the said 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Templeton and Carrapiet, *Attorneys.*

In the matter of Boycauntnauth Day, late of Colootollah, in Calcutta, inhabitant, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter should stand adjourned until Saturday, the 2nd day of May next, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest should be enlarged to the said 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Anley and Sims, *Attorneys.*

In the matter of Charles Henry Medley, of No. 18-1, Moonshee Dedarbux's lane, Cullingah, in Calcutta, an Assistant Accountant in the Commissariat Audit Office, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter should stand adjourned until Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of Thomas Menzies, late of Mirzapore, carrying on business there and at Cawnpore as a Merchant and Agent, under the style and firm of T. Menzies and T. Menzies and Co., and afterwards in partnership with Bernhard Howard, of Mirzapore, at present residing in Calcutta, under the style and firm of Menzies and Co., an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter should stand adjourned until Saturday, the 14th day of March instant, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest should be enlarged to the said 14th day of March instant, and that the said Insolvent should then attend to be examined by the said Court.

Paul and Carruthers, *Attorneys.*

In the matter of Aga Hossain Ally Ispahany, of Hurringharree Lane, in Calcutta, lately carrying on trade and business as Merchant and Agent, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Tuesday, the 17th day of March instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, "desirous of opposing such application, must "appear before the said Court at the time and "place aforesaid.*"

Gillanders, *Attorney.*

In the Matter of Aga Hossain Ally Ispahany, of Hurringbarree Lane, in Calcutta, lately carrying on trade and business as Merchant and Agent, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 6th day of June next, and that the said Insolvent should then attend to be examined by the said Court.

Gillanders, *Attorney.*

In the matter of Aga Hossain Ally Ispahany, of Hurringbarree Lane, in Calcutta, lately carrying on trade and business as Merchant and Agent, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act. XI. Vic cap. XXI., was filed in the Office of the Chief Clerk on the 7th day of March instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Gillanders, *Attorney.*

In the matter of Avetick Galstin, carrying on business at Pollock Street, in Calcutta as Merchant and Agent, under the respective names and firms of A. Galstin, A. Galstin, and Galstin and Co., an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 6th day of June next, and that the said Insolvent should then attend to be examined by the said Court.

Shircore, *Attorney.*

In the matter of Avetick Galstin, carrying on business at Pollock Street, in Calcutta, as Merchant and Agent, under the respective names and firms of A. Galstin, A. Galstin and Galstin and Co, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Tuesday, the 17th day of March instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Shircore, *Attorney.*

In the matter of Nundolall Sein, of Champtollah, in Calcutta, Surroopchunder Seal, of Mullungah, in Calcutta, and Junnadun Day, of Bow Bazar, in Calcutta, carrying on trade and business as Money-lenders, in Meredith's Lane, in Calcuta, under the name, style and firm of the Anglo Indian Loan Office, and Hotel-keepers and Confectioners in Hare Street, in Calcutta, under the name, style and firm of Junnadun Day, Maugey and Co, Insolvents.

On Saturday, the 7th day of March instant, it was ordered that the hearing of this matter should stand adjourned until Saturday, the 4th day of April next, and that the said Insolvents should then attend to be examined by the said Court.

Homfray, *Attorney.*

Chief Clerk's Office, 9th March 1857.

Report showing the smallest Depth of Water in the Bhaugiruttee, Jellinghee, and Matabangah Rivers on the 28th February 1857.

Names of Rivers.	*Smallest Depth of Water.* F.	I.	*Where Shallowest.*
Bhaugiruttee River.			
At its entrance ...	0	0	Closed.
Below the entrance ..	0	0	
From thence to Jungypore ...	0	0	
From Jungypore to Sadduckbaugh...	0	0	
From Sadduckbaugh to Berhampore ...	1	5	At Berhampore.
From Berhampore to Cutwa ...	1	6	„ Kalleegunge.
And from Cutwa to Nuddea ...	1	8	„ Boladangah.
Jellinghee River			
At its entrance ..	0	0	Closed.
From thence to Bausmarree ...	0	0	
From Bausmarree to Teeahkattah	0	0	
From Teeahkattah to Sonatullah ...	1	2	At Radhanugghur.
And from Sonatullah to Moisgunge	1	9	„ Sonatullah. *
*Matabangah River.**			
At its entrance ..	2	11	
From thence to Haut Boleah ...	2	9	At Jenisnugghur.
	2	6	„ Dewangunge.
From Haut Boleah to Katchikattah ...	3	0	„ Boleah Entrance.
	1	8	„ Dassparrah.
	1	8	„ Asmancolly
	2	0	„ Pultadangah.
	1	9	„ Foolbogadhee.
From Katchikattah to Kishengunge	2	0	„ Sonatunpore.
	1	9	„ Buttayparrah.
	1	11	„ Taltullah.
	2	11	„ Tahldah.
	2	4	„ Jeerat.
And from Kishengunge to Seebpore	3	4	„ Boganhaut.

Height of water on Gauge at Berhampore, on the 28th February 1857, + 1 Foot 6¼ Inches.

H. T. FORBES, *Lieut.*,

Supdt., Nuddea Rivers.

BERHAMPORE,
6th March 1857.

* Since last Report, the Channel of this River, at Dewangunge, has been deepened by the construction of Bandahls and by Kodalies from 2' 2" to 2' 6", at Asmancolly from 1' 6" to 1' 8", at Folbogadhee from 1' 8" to 1' 9", and at Jeerut from 1' 6" to 2' 4".

BALANCES OF CASH IN THE GOVERNMENT AGENCY.

NOTICE is hereby given, that the under-mentioned Balances of Accounts in the Government Agency, if not claimed from the Accountant General to the Government of India by the parties entitled thereto, within six months from this date, will be carried to the credit of Government, as relinquished by the Proprietors.

Account Number.	Name.	Cash due to.	Account Number.	Name.	Cash due to.
482	Estate of Lady E. Blount ...	16 11 10	1551	J. E. S. Lillie ...	86 9 9
514	Lieut. H. Brimfield ...	26 14 9	2459	Miss A. Lloyd ...	181 13 8
517	Band Committee 50th Regt.	1 0 0	1526	M. Nisbett, Esq. ...	0 1 4
533	Trustees of Mrs. D C. Beeby and Children ...	21 4 9	1557	Dr. J. Naismith ..	14 2 1
548	A. C. Barwell, Esq. ...	183 9 9	1505	Colin Campbell and H. A. Boscawen, Trustees for Mrs. H. Vetch ...	336 9 0
565	George Becher, Esq. ...	0 4 0	1603	D. Virtue ...	27 13 0
573	Captain F. H. Blundell ...	179 12 10	1157	T. G. Parry, Esq. ...	162 1 2
580	Trustees for Colonel and Mrs. Burroughs ...	89 12 6	1195	Lieut. J. Wardlow ...	1146 4 7
538	F. S. Brown, C. Scott, and G. H. Smith ..	0 5 6	1232	Mrs. Eliza Walker ...	62 15 0
620	Mrs. Mary Steven, now Bell	1 3 11	1252	C. A. Wood ...	113 8 8
622	H. Borradaile, Esq. ...	49 2 8	1253	Captain H. Lowther and A. W. Wood, Trustees for Lieut. R. B. Wood ...	566 0 10
631	Captain J. R. Becher ...	0 1 0	1255	Mrs Mary Ann White ...	0 1 11
2856	Bebee Bunnoo ...	1197 0 0	1268	Captain J. P. Wade ...	0 2 0
721	Maha-rajah Duleep Sing, for Shahazada Sheodo Sing	0 4 0	1346	Major J. R. Wheelar ...	0 10 0
732	Lieut.-Col. T. Dickinson ...	0 2 4	2702	A. C. Williams, Veterinary Surgeon ...	157 4 1
657	H. R. Duhan, Esq. ...	13 4 10	2935	P. A. Walker ...	6 1 2
2830	W. A. Dyer, Esq. ...	10 5 7	2947	Messrs. Watson and Co. ...	12 13 10
680	Jas. Dodd, Esq. ...	0 0 5	2948	J. Wood, Esq. ...	5 3 11
745	Engineer Retiring Fund ...	7 9 6	1666	H. Morris, Esq. ...	2 0 0
747	W. C. B. Eatwell ...	17 0 1	1687	Lieut. P. C. Marsden ...	43 1 10
751	Trustees for Mrs. A. Elphinston and Miss C. Hunter..	178 14 1	1689	Captain M. McDougall ...	18 11 2
770	E. S. Ellis, Esq. ...	19 3 10	1695	T. P. Martin, Esq. ...	41 5 3
	Lieut. A. P. C. Elliot ...	6 3 2	1700	C. McSween, Esq. ...	1093 12 9
8	James Alexander, Esq. ...	21 4 3	1711	W. McMullen, Esq. ...	3 1 11
15	Mr. John Andrews ...	83 2 9	1712	Captain F. C. Milner ...	72 12 9
55	Ammanee Amall ...	0 3 0	1608	P. Melville ...	0 8 3
2776	George Andrews ...	36 12 10	1727	Baboo Maudub Dutt ...	2 2 10
65	Cuthbert Finch, Esq. ...	130 7 1	1743	Mrs. E. A. Mitford and Miss E. H. Pattle ...	67 15 11
71	Mrs. S. S. Forde ...	69 14 5	1745	Moomtazmpol Molk Moohsunoodowlah, Freedon Jah Mumsoor Ally Khan Bahadur, Nusrut Jung ...	415 8 2
90	Major S. W. Fenning ...	1 0 0	1748	A. M. McMinto ...	236 8 6
91	F. Furnell, Esq. ...	273 10 6	1772	R. Mayne, J. R. Dymock, and others ...	12 15 11
108	Captain G. A. Fisher ...	37 6 0	1810	Miss Eliza McLean ...	1 4 0
125	R. J. R. Campbell, C. S. Stowell, and Major C. Douglas ...	12 15 5	1735	Mrs. Catherine Naville Macqueen ...	49 13 1
133	Carbery, Gunner P. ...	100 9 4	2575	Captain F. J. Wroughton, President Mess Committee 8th N. I. ...	171 0 9
222	Lieut.-Col. A. Crawford	92 9 6	2576	Major R. McNair ...	13 4 9
232	Lieut. G. Cookes ...	602 14 2	2577	T. P. Martin ...	54 3 7
264	Captain J. Chilcott ...	1 0 0	2579	Mrs. C. Mungall ...	280 7 4
266	Trust for the Children of Mrs. Church ...	248 3 1	2580	Midnapore Executive Engineer	1 0 0
306	Miss C. Clive ...	0 1 0	2827	Maharajah Mahtab Chund...	215 14 0
307	H. B. Clive, Esq. ...	0 1 0	2901	Ensign Pat Mara ..	7 15 1
313	J. F. M. Reid, Esq. ...	174 9 1	3010	Midnapore Collector account Ojoodharam Mytee ...	0 1 6
323	Major H. Rutherford ...	2 14 10	2492	Lieut. H. Grant ...	35 15 1
367	Ensign W. E. R. Roberts ...	9 2 4	1284	Hon'ble Sir W. Jeffcott ...	20 12 11
392	Trust for C. K. Robinson's Children ...	148 5 0	1308	Mrs. E. Gooderson ...	7 11 7
401	Major C. Rogers ..	65 9 0			
1480	E. E. Ludlow and Mrs. E. C. Houstin ...	99 10 0			
1540	Lall Saya ...	3 12 0			
1541	W. J. Long ...	4 12 11			
1546	Miss Sarah Larkins ...	16 9 8			

Account Number.	Name.	Cash due to.		
1294	Trust for Mrs. Lucas, late C. Boyd ...	0	12	2
1014	Trust for Lucy Hickey ...	25	7	2
1017	Trust for Mary Hickey ...	36	6	8
1061	Lieut.-Gen C. W. Hamilton	23	15	3
1337	Trust for Mr. & Mrs. Hissing	81	2	8
1270	Lieut. D. H. Osborn ...	40	12	0
1289	Kadeen Hoosen Khan ...	1203	5	4
1276	H. S. Oldfield ...	199	9	11
2054	Trustees for Mrs. C. E. Thornhill ...	195	4	0
2073	T. J. Turner, Esq. ...	10	0	0
2091	Major E. Townsend ...	38	10	11
2102	Trustees for Mr. & Mrs. Tod	82	4	7
2108	Lieut.-Col. G. Twinlow ...	306	5	2
2136	G. Trentler, Esq. ...	0	3	3
2140	Capt. R. S. Tickell ...	145	12	5
1847	John Shepherd, Esq. ...	0	7	2
1868	Major J. A. Scott ...	15	4	0
1891	Brevet Major R. S. Simpson	1	0	0
1915	Trustees for F. S. and D. D. Stewart ...	99	12	0
1958	Supdt. of Embankments, Account Security for Prosuttum Buttachargee Derogah	8	9	7
1965	Lieut.-Gen. H. S. Scott ...	319	6	6
2000	St. John (Dr. Charles), M. D.	435	8	1
2006	Estate of Mrs. Ann Stopford	0	1	0
1993	R. M. Scott, Esq. ...	10	0	0
1982	M. Smith, Esq. ...	301	3	2
2442	Serjeant R. Stewart ...	10	0	0
2458	P. Glynn ...	10	0	0
3025	Color Serjeant E. McLernon	45	14	8
2602	Capt. C. Douglas ...	26	15	9
784	William Brown, Esq. ...	0	6	0
797	Mr. H. Burke ...	8	11	7
781	Mr. R. Bary ...	1	0	0
804	Mr. D. Bain ...	14	15	5
811	Lieut. R. Y. B. Bush ...	7	9	10
429	Dr. A. W. Crozier ...	16	15	5
432	Gunner J. Carroll ...	11	3	6
2753	Mrs. E. Cronin ...	34	1	5
1681	Lieut. E. H. Longmore ...	117	7	3
1682	G. Lewis, Esq. ...	25	6	9
	Mrs. T. S. Peter ...	0	3	6
	Lieut. J. G. Phillips ...	22	0	1
1464	Sarah Price ...	33	5	6
1422	Private John Williams ..	3	8	11
1431	Mr. G Walters ...	2	8	5
1435	Mrs. E. Wheelan ...	55	1	11
1447	Lieut. T. P. Waterman ...	4	5	4
2958	R. Wilson ...	484	10	6
1826	Major A. McDougall ..	17	8	5
2589	J. McCartly ...	8	4	8
2737	Mr. T. H. Jewett ...	17	11	2
2458	Jas. Kutlet ...	0	0	8
2148	A. F. Smith ...	21	9	9
2178	M. Tweedie ...	7	10	7
2184	W. Turner ...	1	0	0

FORT WILLIAM;
Accountant General's Office,
The 3rd March 1857.

E. DRUMMOND,
Accountant General to the Government of India.

Sheriff's Office, the 4th March 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature, at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the Thirtieth day of March Instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

শরিফ আফিস ৪ মার্চ ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামি ২০ মার্চ ১৮৫৭ সাল সোমবার দুই পুহরের সময় কলিকাতার ফোর্টউইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোর্ট উইলএমের সুপ্রেম কোর্ট আপন আদা ত ঘরে ওয়েরটরমিনর এবং এডমাইরেল্‌টী অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান জতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখিবেন।

ঘোষনাপত্র আদালতে ফৌজদারী জেলা পশ্চিমাংশ বর্দ্ধমান মোকাম বাঁকুড়া।

সন ১৮৫৭ ২ মার্চ।

যেহেতু শ্রীনাথ বন্দোপাধ্যায় মাষ্টর সাতকাহন্যার পুলবন্দীর দারোগা নরেন্দ্র সেনের নিকট ০৮৬৯০ নম্বরের২০ টাকার হাফ নোট গতো শাবণ মাহায় ৫ টাকাতে বন্দক ও নবকৃষ্ণ রায়ের নিকট গতো অগ্রহায়ন মাহায় ২২৬১৩ নম্বরের ১০ টাকার হাফ নোট রাখিতে দিয়া এতক্ সোধ নোট দিয়া সমুদয় টাকা বা হাফ নোট না লইয়া গরহাজীর থাকায় ঐ নোটের প্রতি চুরিআদির সন্দেহ হইয়াছে এমতে ঐ দুই কেতা নোটের মালিক উপস্থিত জন্যে ১ এক মাহা নিয়মে এই ইস্তাহার দেওয়া যাইতেছে যেকেহ মালিক থাকহ ঐ নিয়মে মোকাম বুদ্‌বুদের শ্রীযুত ডিপুটী মাজিষ্ট্রেটের সমিপে উপস্থিত হইবা ইতি।

H. ROSE,

Calcutta Overland Price Current.

MR. H. H. HILLS is authorised to sign all Bills and to receive all Subscriptions for the above Publication.

GEORGE ACKLAND.

4, *Hare Street,*
4th March 1857.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge.

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

Notice.

THE INTEREST AND RESPONSIBILITY of Baboo Ramdhone Ghose in our Firm, ceased on the 1st instant, and Baboo Charoo Chunder Ghose has been admitted as a Partner.

AUSHUTOS DAY AND CO.

Calcutta, 7th March 1857.

Notice.

MR. CHARLES S. LERESCHE was admitted a Partner in our Firm on the 1st of May last.

POTTER & CO.

Calcutta, 4th March 1857.

Notice.

THE undersigned beg to notify that, from the date given below, they purchased and took over the Good-will, Stock, and Fittings-up connected with the late Business of W. STUBBS & Co.

The Firm will be hereafter carried on under the style of CARTNER, NEWSON AND CO., and will comprise in its details the usual transactions of BEER, WINE, SPIRIT, TEA AND CIGAR-MERCHANTS, OILMEN, AND GROCERS.

CARTNER, NEWSON & CO.

Calcutta, February 1st 1857.

THIS DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

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An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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SAMUEL SMITH & CO.

Jan. 26, 1857.

LOST.—Bank of Bengal Notes No. 18106 and No. 10847, for Company's Rupees 50 each, the payment of which has been stopped at the Bank.

LOST.—First Half of a Bank of Bengal Note, No. 28880, for Company's Rupees 25, the payment of which has been stopped at the Bank.

Post Office Notifications.

No. 7421.

Notice.

Mr. T Garrett having this day received charge of the Office of the Deputy Post Master General of Calcutta, the public are requested to communicate with him direct on all matters connected with the routine business of the Calcutta General Post Office. All complaints against that Office or any other Post Office within the Bengal and Pegu Provinces are to be made to me direct.

C. K. Dove,

Offg. Post-master General of Bengal.

Calcutta;
Post Master General's Office,
The 26th February 1857.

No. 3818.

Australian Mail.

The Public are informed that all Letters and Papers posted at the Calcutta General Post Office before the 9th Instant, for despatch to Australia, will be sent to Galle with the next Overland Mail, to await the arrival of the Colonial Steamer expected from Suez on or about the 26th March.

Letters posted in India for conveyance by the Contract Packet must be prepaid at the following rates, which includes Inland Postage, *viz.*—

	Rs.	As.	P.
Not exceeding ½ Ounce	0	4	0
Exceeding ½ Ounce and not exceeding 1 Ounce	0	8	0

And so on, adding 8 Annas for every Ounce, or fraction of an Ounce.

On Newspapers posted in India for the same conveyance, One Penny or Nine Pie must be prepaid in Cash, in addition to the usual Inland Postage, when despatched from a Mofussil Post Office, or by an After Packet.

T. Garrett,

Offg. Deputy Post Master General.

Calcutta;
General Post Office,
The 2nd March 1857.

No. 2023.

Mail Steamer *vid* the Cape.

Notice is hereby given, that the Mails for Madras, Ceylon, Mauritius, Cape of Good Hope, St. Helena, Ascension, and London, for transmission per Mail Contract Steamer *Scotland*, will be closed at this Office on Saturday, the 14th Instant.

Pre-payment on Letters to Madras, Ceylon, and London, is optional; but Letters for Mauritius, Cape of Good Hope, St. Helena, and Ascension, must be pre-paid at the following rates:

½ Ounce	0	4	0
1 „	0	8	0
2 „	1	0	0

So on, adding 8 Annas for every Ounce, or a fraction of an Ounce.

Newspapers and Price Currents must be pre-paid 9 Pie each, and when posted at a Mofussil Post Office, the Inland Indian Postage must be pre-paid in addition to Steam Postage.

Newspapers and Price Currents for Great Britain, when posted at Calcutta, cannot be pre-paid.

Only one paper can be sent under one cover.

T. Garrett,

Offg. Deputy Post-master General.

Calcutta;
General Post Office,
The 2nd March 1857.

It is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office, between Monday the 2nd March 1857 and Sunday the 8th March 1857, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified:—

Letters received on dates, from and to	*By what Ship despatched.*	*Bound to*	*Remarks.*
2nd to 8th March 1857 ..	Progress	Mauritius	Will sail in a day or two.
2nd to 8th ditto ..	Malakoff	Sydney	Left town on the 9th March 1857.
2nd to 6th ditto .	Steamer Bentinck ...	Rangoon and Moulmein ...	Ditto on the 7th ditto.

T. Garrett,

Offg. Deputy Post-master General.

Calcutta;
General Post Office,
The 10th March 1857.

CALCUTTA :—Printed and Published by John Gray, *at the* "Calcutta Gazette" Office, *No. 5½, Council-House Street, for the Government Contractors,* Samuel Smith and Co., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, MARCH 11, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee who are to report thereon after the 11th of May next :—

A Bill for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

Preamble.

WHEREAS it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the general Regulations of the Bengal Code: It is hereby enacted as follows :—

Territorial scope of Act.

I. This Act shall extend only to such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Calcutta shall possess the appellate and other Criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following :—

COURTS OF SESSION ;
COURTS OF THE MAGISTRATES ;
SUBORDINATE COURTS ; namely—

Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor General in Council shall from time to time pass.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

Ministerial officers.

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

No person excepted from jurisdiction by reason of place of birth or of descent.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1*st*. Offences entered in Schedule A. of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II, whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorized as such officer, to investigate or report on any matter of law or fact;

Every head jailer;

Every darogha of police.

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Magistrates, their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A. of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts, their jurisdiction as to offences.

13. In cases tried by the Courts of Session in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Magistrates, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, first class, their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, second class, their penal jurisdiction.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Clauses 8 and 9 Chapter III of the Penal Code, in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorized to hold the preliminary inquiry into cases triable by the Session Courts, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

Subordinate Criminal Courts may be empowered to prepare cases for trial before the Session Court.

CHAPTER III.

PRELIMINARY RULES.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary, preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Complainants and witnesses to be examined without oath, affirmation, or warning.

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

No person excepted from Criminal Procedure by reason of place of birth or of descent.

CHAPTER IV.

OBTAINING A SUMMONS OR WARRANT.

1. Where an offence has been committed, or is suspected to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of preliminary inquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Summons.

3. The proceeding by arrest may be either—

Arrest.

(1.)—By warrant;
(2.)—Or by a private person without warrant;
(3.)—Or by an officer without warrant.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

Complaint.

5. Every complaint made before a magistrate or darogha of police, in order to the issuing of a summons or a warrant against a person accused of any offence, either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the magistrate or darogha of police issuing the summons or warrant.

To be reduced into writing and signed.

6. Upon such complaint duly made before a magistrate, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other magistrate or Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Magistrate, how to proceed on complaint.

7. Upon such complaint duly made before a darogha of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such darogha there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

Darogha of police, how to proceed on complaint.

8. Every summons issued by a magistrate or darogha of police to a person so accused shall be in writing, under the hand and seal of the magistrate or darogha of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a darogha of police, to appear before such darogha at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons, what it is to contain, and how to be directed.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Summons how to be served.

10. A magistrate or darogha of police may, notwithstanding such summons either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

Notwithstanding summons, warrant may issue in certain cases.

11. A magistrate of one district or darogha of one division may grant a warrant for the apprehension of a suspected offender within that district or division, as the

Warrant when grantable for an offence committed beyond local jurisdiction.

case may be, in respect of an offence of which the law takes cognizance, committed in a different district or division, or on the high seas, or in a foreign country.

Where an offence may be investigated and tried in one of two or more jurisdictions.

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether within the same Presidency or under the same Lieutenant-Governor or not, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. Where any offence shall be committed on any person, or on or in respect of any property, in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be inquired of and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division ; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be inquired of and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

Receiving, &c. stolen property.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Unlawfully receiving property.

18. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or converted such property, may be prosecuted and punished for any offence committed thereby.

Escape from lawful custody under sentence.

19. Any offender who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district where he shall be apprehended and re-taken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is mentioned, the term "inquired of" shall be deemed to comprise every proceeding preliminary to trial ; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender ; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial ; unless in any such case there be something in the subject or context repugnant thereto.

What is a district, and what a division.

23. The local jurisdiction of the magistrate of a zillah or district shall for the purposes of this Act be deemed a district ; and the local jurisdiction of a moonsiff or darogha of police

be deemed a division; provided that nothing herein contained shall be held as authorizing a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act.

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a darogha or nazir.

5. A warrant directed to a darogha of police or to a nazir may be executed by any officer subordinate to such darogha or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place be within the same Presidency, or under the same Lieutenant-Governor or not, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII Article 7 or Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Darogha how to proceed in such cases.

13. If the warrant under Chapter IV Article 11 shall have been granted by a darogha, the darogha shall send the person arrested to the magistrate, to whom such darogha is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

division of the district in which the division of the darogha who granted the warrant is comprised; in such case the darogha who granted the warrant shall send the person arrested to the darogha of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant, how to be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

No unnecessary restraint.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavor to arrest.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duty made, he cannot otherwise obtain admittance.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open a *zenanah* or female apartment.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Party arrested to be brought immediately to the authority mentioned in the warrant.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

No threat, promise, or caution, as to disclosure by party arrested.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

but shall, when necessary, apprize him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence for which a warrant may issue on complaint is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. A police officer, or other person, may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or darogha of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

Obstruction of a police officer in his duty.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the police division.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.

Arrest for an offence committed in the presence of a magistrate.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

Person arresting may re-take on escape, and deal with the party arrested as on original taking.

1. If a person lawfully arrested on a criminal information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to re-take any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the police darogha within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a darogha may, in the event of the darogha not being able to proceed in person, be executed by any officer subordinate to such darogha, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

When a magistrate may grant a search warrant out of his jurisdiction.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellinrgs place or places, out of his jurisdiction, the ptoduction of such thing or things being essenoial to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

5. Whenever a darogha shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

Search warrant when grantable by a darogha.

6. The darogha shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

How to be executed.

7. A darogha may require the darogha of another division, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

When a darogha may require a darogha of another division to issue a search warrant.

8. The darogha, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

Representations regarding anything for which search is to be made to be sent to magistrate.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

When the search is to be made.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of a zenanah or female apartment.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Property, &c., to be sent to the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE.

1. A darogha of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences into which the police officers may not inquire without special authority.

Offences under Chapter IX; provided that it shall be competent to a darogha to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a darogha to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the darogha may issue his warrant.

it shall be lawful for the darogha to issue his warrant to apprehend such person, and to cause him to be brought before such darogha.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such darogha before whom such a complaint is made, instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such darogha.

When darogha shall issue summons.

4. Upon a complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inquire, and which is punishable with imprisonment for a period not exceeding six months, the darogha shall issue his summons to such person, requiring him to appear before such darogha.

When the darogha may stay issue of process.

5. In the event of its appearing to the darogha, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended. On the receipt of the darogha's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the darogha to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned.

6. Upon the issue of process for causing the attendance of the accused, the darogha shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Darogha may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a darogha from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the darogha or other police officer to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other daroghas, whether subject to the same magistrate as himself or to the magistrate of any other district, whether such place be within the same Presidency or under the same Lieutenant-Governor or not.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the darogha, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a darogha or other police officer to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The darogha, or other police officer, shall complete the inquiry with as little delay as possible, and if the darogha himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district If a subordinate police officer have made the inquiry, he shall submit his proceedings to the darogha, who shall then proceed as if he had made the inquiry himself.

Accused not to be detained by the police beyond 48 hours, without special authority

12. Provided that it shall not be lawful for the darogha or other police officer to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a darogha or other police officer, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The darogha shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Darogha how to proceed in cases of deficient evidence.

13. If it shall appear to the darogha that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

Proceedings of the darogha, of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the darogha shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The darogha shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A. as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

darogha shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the darogha may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

Police to report all apprehensions.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

Bail not to be excessive. Terms of security.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizance to appear before the magistrate.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

Witnesses not to be subjected to restraint.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the darogha to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

By whom the powers of the darogha may be exercised in his absence or illness.

21. The powers to be exercised by the darogha under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorized cognizance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How darogha is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the darogha shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

Contempt of lawful authority under Chapter X of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

Advocate General may file criminal charges.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

To follow the rules relating to charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

Prosecutions for certain offences not to be instituted but under authority of Government or of a duly empowered officer.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution for certain offences under Chap. X of the Penal Code not to be instituted but with the sanction of the public servants concerned.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

Mode of proceeding in cases mentioned in the two last preceding Articles.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Magistrate may issue his warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article I. of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

May dismiss the complaint.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with the personal attendance of the accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usally resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magis trate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

To be in the presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

19. The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers ; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination ; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement. No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Examination to be admitted as evidence on the attestation of the magistrate.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Discretionary with the magistrate to take evidence for the defence.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

When Sudder Court or Session Court may direct the commitment of a person to whom a pardon may have been tendered.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

When Sudder Court or Session Court may direct a tender of pardon.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the magistrate to tender a pardon to one or more persons supposed

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

Sudder Court may revise proceedings when a pardon may have been tendered.

27 It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

Bail not to be taken for certain offences if proof of guilt.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him ; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused, and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

When may be taken.

When bail shall be taken.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

Recognizance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

Bail may be taken any time before conviction.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court ; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment, how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known ; but if it be not known, then a description of his person, stating the refusal to tell his name ; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol ; and if he be not, with his deputy ; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days ; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order ; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

How the offence is to be described.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

Absence of General Exceptions under the Penal Code to be assumed.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance ; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

Clause of the Penal Code containing an exception, not a General Exception.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

Heads of charge.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect :

Forms of Charge.

(a) I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the Charge :

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code, (*c*) and within the cognizance of the [*style of the Court*].

On Clause 1 Chapter VI.

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate.*]

Where the magistrate tries the case, there must be substituted for *(c)*:
within my cognizance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*.

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

On Clause 4 Chap. VI applied to Clauses 3 Chap. VI and 28 Chap. XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the [*style of the Court.*]

On Clause 1 Chap. IX.

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

On Clause 81 Chap. XVII applied to Clauses 2 and 80 of the same Chapter.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

Two or more offences punishable under the same Clause.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Cases of doubt as to the Clause which is applicable, or the offence which may be proved.

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

Form of charge of more than one head.

11. When a charge contains more heads than one, the form shall be as follows, or to the same effect:

Forms of Charge.

I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the charge:

On Clauses 13 and 14 Chap. XII.

First: That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate, &c.*].

On Clauses 4 and 6 Chap. XVI.

First: That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 4 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 28 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

Amendment of charge.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

When the trial may be immediately proceeded with after amendment.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered, or trial suspended.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution

CHAPTER XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Cases in which magistrate may issue a warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Summons instead of warrant.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with personal attendance of accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant indorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, whether in a district within the same Presidency or under the same Lieutenant Governor or not, and carried before the magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c., of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

lect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer may be committed to custody

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

To be in presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Bail and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Evidence for the defence

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Witnesses for the defence.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

Complaint and issuing of Process for causing the attendance of the Accused.

Summons shall issue.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

When warrant may issue.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

Service of summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

When magistrate may refuse summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

If summons be not obeyed, warrant.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate may dispense with personal attendance of accused.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

Summons to witness to attend and give evidence.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

Diet money for witnesses.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Magistrate may summon necessary evidence.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Application of previous rules.

Bail.

10. If upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Defendant may be admitted to bail or to be at large upon personal recognizance.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

Admission by defendant of truth of complaint.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

Proceeding when no such admission is made.

in his defence; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Adjournment.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

Cases how to be referred.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

Subordinate Criminal Courts to follow the same rules of procedure as the magistrate.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

Mode of proceeding in cases beyond jurisdiction.

4. In every case before a Sudordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

5. Provided that nothing in the last preceding Article shall be held to interfere with the exercise of power specially conferred upon a judge of a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with criminal offences to take their trial before the Session Courts.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

Place where investigation made, an open Court.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

1. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court

Security to keep the peace.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

Personal recognizance without conviction.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

Security without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

For one year.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For more than one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizances or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

7. Provided always that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

Imprisonment not to exceed period of recognizance and security.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty of personal recognizance.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1 Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

When magistrate may require security for good behaviour for one year

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

How to proceed in cases beyond one year.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

Case to be laid before the Session Court.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Session Court may require security not exceeding three years.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

What the order for security is to contain.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

7. The magistrates are empowered, at all times to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

8. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XXI.

JURIES AND ASSESSORS.

1. The Governor General in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor General in Council may from time to time revoke or alter such Order.

Trials to be by jury.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor General in Council may see fit to extend this rule, registered according to such rules as the Governor General in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

Trial by jury, before the Session Court, of registered persons.

How the jury is to be constituted.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

Joinder of registered and non-registered persons.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

How the jury is to be constituted in such cases.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Number of which the jury is to consist.

Number of voices necessary to a verdict of guilty.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor General in Council shall from time to time direct.

Jury not to consist of less than three.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Trials before the Session Court with assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Who are capable of serving as jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor General of India in Council.

Sudder Court to make rules in regard to jurors and assessors.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

Cognizance of offences by the Session Court in original jurisdiction.

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty"

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Refusal to plead, or plea of "not guilty."

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

Witnesses for the defence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

Adjournment.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Jury or assessors to attend at adjourned sitting.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Delivery of opinions of assessors.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

Of verdict of jury.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

Difference of opinion between Sudder Court and Session Court as to offence proved.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

Hearing of case referred, tried by jury.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the Judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

4. The finding and sentence shall be recorded in the following form, or to the same effect:—

Form of finding and sentence.

In trials by Jury:

When the Jury are unanimous:

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [*sentence*].

2*nd*. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty:—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [*sentence*].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls:—

6th. The Jury (*or* the majority of the Jurors consisting of
of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge: namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (*or* the Court concurs in such finding and directs) that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials with Assessors:

7th. The Court, concurring with the Assessors, (*or* one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code; and the Court directs that the said Z be [*sentence.*]

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors:

10th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code; and the Court directs that the said Z be [*sentence*].

11th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared:

12th. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [*sentence*].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other; and it shall not be ne-

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Judgment on offender already imprisoned under sentence for another crime.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced ; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

Party tried upon formal charge not liable to renewed prosecution.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence ; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements of calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment ; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI.

APPEALS.

No appeal in cases of acquittal.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

Appeal in cases of conviction.

2 An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

Appeals from orders in proceedings other than trials.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of subordinate Courts.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTORS.

1	2	3.	4	5.	6.
Clause.	Offence	Whether bailable or not.	By what Court triable.	Penalty.	When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence committed.	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	

CHAPTER V.—OF PRINCIPALS AND ABETTORS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅛ of the longest term, or fine, or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor Grneral, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine.
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Not bailable	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. *Exception*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8	Rioting armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with refereuce to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both.	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade ..	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property.	Idem	Idem	Idem..	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c., in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed ; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c., in a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the notice or information required respects the commission of an offence, &c.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative. Clause 1,

15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorized sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding.	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.	
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.	
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.	
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Session Court	Same as for giving such evidence.	
8	Using as a true certificate one known to be false in a material point.	Idem	Idem	Idem.	
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.	
10	Using as true any such declaration known to be false.	Idem	Idem	Idem..	
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
	If punishable with less than 14 years' imprisonment.	Idem	By the Court by which the offence is triable.	Idem not exceeding ½ longest term and fine, or both.	
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate	Imprisonment of either description to 6 months, or fine, or both.	
13	Giving false information respecting an offence committed.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.	
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.	
18	Fraudulently sufferring a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Idem	Idem	Idem.	

19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure...	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender if the offence be capital ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem . ..	Session Court	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.
	If with imprisonment to 1 year and not to 14 years..	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.			

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Bailable	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to appehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to 14 years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than 14 years.	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant.	Idem	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5. relating to Criminal Courts of original Jurisdiction.	Simple imprisonment not exceeding 2 years, or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to 14 years.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 14 years or upwards.	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine.	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment..	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5 Penalty.	6. When admitting of cumulative Punishment.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding seven years, also liable to fine.	
9	Import or export of counterfeit Coin knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine not exceeding 10 years, and fine.	
13	Knowingly delivering to another any counterfeit Coin as genuine, which when first possessed the deliverer did not know to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument.	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 5 years, also fine.
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 10 years, also fine.
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.
26	Delivery to another of Coin as genuine which when first possessed the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.
30	Sale of counterfeit Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.
32	Using as genuine a Government Stamp known to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.
34	Using a Government Stamp known to have been before used.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
35	Erasure of mark denoting that Stamp has been used.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure ..	Idem	Idem	Idem .. ..
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem .. ..
5	Making or selling false weights or measures for fraudulent use.	Idem	Idem	Idem .. ..

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Knowingly disobeying any rule of the quarantine laws.	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
6	Selling any food or drink as food and drink for man knowing the same to be noxious.	Idem	Idem	Idem.	
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	
8	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	
10	Defiling the water of a public spring or reservoir ..	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.	
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	

16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.
18	So dealing with any explosive substance ..	Idem	Idem	Idem.
19	So dealing with any machinery	Idem	Idem	Idem.
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.
21	A person omitting to take order with any animal in his possession so as to guard against danger to human life or of grievous hurt from such animal.	Idem	Idem	Idem.
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.
23	Continuance of nuisance after injunction to discontinue.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.
24	Sale, &c., of obscene books, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.
	Exception.—Not to extend to any representation on or in any Temple or on any car used for the conveyance of idols.			
25	Having in possession obscene book, &c., for sale or exhibition.	Idem	Idem	Idem.
26	Obscene songs	Idem	Idem	Idem.

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship.	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem..	Idem	Idem..	Idem.
5	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life.	Idem	Idem	Death	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding 14 years, and also fine.	
8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.	
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.	
10	Attempt to commit murder and doing any act, &c. with such intention or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.	
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.	
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.	
	Of the causing of Miscarriage, of injuries to unborn Children, of the exposure of Infants, and of the concealment of Births.				
14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If the woman be quick with child	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	

15	Causing miscarriage without woman's consent ..	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above-mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36 ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Hurt.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	4. Penalty.	6. When admitting of cumulative Punishment.
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocati n.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees, 2 000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of wrongful Restraint and wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonn ent not exceeding 1 mon h, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	

46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.
48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act. &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c	Idem	Idem	Idem.
51	While keeping a person in wrongful confinement, omitting to furnish him with any thing necessary to prevent danger of death or hurt	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.

Of Criminal force and Assault.

55	Using criminal force otherwise than on grave provocation	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
57	Using criminal force in attempt to murder ..	Not bailable ...	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years. also fine.
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
59	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Idem	Idem	Idem.
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or subordinate Criminal Courts, 1st class	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
62	Using criminal force on grave and sudden provocation	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.
63	Assault in cases not specially provided for when the assault is not on grave and sudden provocation	Idem	Idem	Idem.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder ..	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person.	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave. ..	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves.	Not bailable	Idem	Idem.	
76	Unlawful compulsory labor.	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine. ..	Cumulative.

Of Rape.

78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by Clerk or Servant of property in possession of Master or Employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.

1. Clause	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Not bailable	Session Court	Imprisonment of either description not exceeding 5 years, also liable to fine.	
	Of Robbery and Dacoity.				
14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.	
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.	
16	Voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
18	Murder in Dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
19	Robbery or dacoity with attempt to cause death or grievous hurt.	Idem	Idem	Imprisonment not less than 7 years.	
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.	
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.	
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.	
24	Being one of 5 or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.	

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's own use.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
29	Criminal breach of trust by a clerk or servant ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen.	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
34	Habitually dealing in stolen property	Idem	Idem	Idem.
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Cheating.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
38	Cheating	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.	
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.	
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.	
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.	
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.	
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.	

49	Mischief	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

69	Criminal trespass	Bailable	Magistrate, or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued)*

Of Criminal Trespass—(Continued)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	When admitting of cumulative Punishment.
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-tresspass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life or rigorous imprisonment not exceeding 14 years and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year added to one-third of the longest term for the offence intended, and also fine.	
75	House-tresspass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking. ..	Idem	Idem	Idem..	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking, house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 7 years, also liable to a fine.	

85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	Idem.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Forgery or using a forged document with intent to injure or deceive.	Idem	Idem	Idem	
5	Forgery of a record of a Court of Justice or of a Register of Births, &c. kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.	
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.	
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
8	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
10	Uttering or using as genuine a forged document which is known to be forged	Idem	Idem	As for forgery.	
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
13	Having possession of a valuable security or will knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.	
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Not bailable	Session Court	Imprisonment of either description not exceeding 10 years, also liable to fine.	
17	Fraudulently destroying or defacing, or secreting a valuable security.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
	Of Trade and Property-Marks.				
22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.	
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.	
28	Making use of any such false mark	Idem	Idem	Idem.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Idem	Idem	Idem.	

CHAPTER XIX.— THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.
2	A Seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.
3	Being bound to attend on or supply the want of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200 or both.
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.
2	A woman committing the same offence with a man ...	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.
3	Marrying again during the life-time of a husband or wife.	Not bailable.	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
5	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.
6	Adultery	Idem	Session Court or Magistrate ..	Imprisonment of either description not exceeding 5 years, or fine, or both.
7	Enticing or taking away a married woman.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.

CHAPTER XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter knowing it to be defamatory.	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	If threat be to cause death or grievous hurt, &c. ...	Idem	Idem	Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.	
6	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.	

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.	

W. MORGAN,

Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

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EXTRAORDINARY.

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THURSDAY, MARCH 12, 1857.

NOTIFICATION.

No. 1113.

FORT WILLIAM, FOREIGN DEPARTMENT,

THE 12TH MARCH 1857.

THE Governor General in Council has great pleasure in publishing the accompanying Despatch from Lieutenant General Sir James Outram, K. C. B.

It describes a new success of the British Army in Persia, achieved, between the 3rd and the 9th of February, against a Force much superior in number, and in the face of difficulties which have made conspicuous the energy and promptitude of the Commander and of the Officers associated with him, as well as the courage, discipline, and cheerful endurance of the Troops.

The rapid and toilsome night-marches, deliberately planned and accomplished with precision ; the inclement weather, against which no protection of any kind was available to men or Officers ; the steady resistance to an attack in circumstances the most trying to the patience and order of an Army ; and the utter rout and confusion of the enemy with very heavy loss, when the morning light enabled our Soldiers to discern their assailants,—have marked this operation against the Persian Entrenched Camp at Borazgoon as one of which the Force under Sir James Outram's Command may well be proud. In the course of it Officers and men have exhibited all the qualities which make an Army invincible.

To Lieutenant General Sir James Outram, and to his brave Companions in Arms, the Governor General in Council desires to offer an early assurance of the warm approbation and thanks which they have so well earned. These are especially due to Major General Stalker, C. B., and to Colonel Lugard, C. B., Chief of the Staff, who are described by Sir James Outram as having guided the Troops to victory in the time—most happily not of long continuance—during which he was disabled by a severe fall of his horse. But they are due to all of every rank who have taken share in this signally successful exploit, which has called for extraordinary exertions from all, and in which all have borne themselves with gallantry.

The Governor General in Council will have the greatest satisfaction in expressing to the Honorable Court of Directors his appreciation of the service rendered and of the manner in which it was performed.

The Governor General in Council has to lament the loss of one gallant young Officer,—Lieutenant Frankland, of the 2nd European Regiment,—who, acting as Brigade Major of Cavalry, fell dead in the first of the brilliant charges by which our small body of Horse on that day distinguished itself. Captain Forbes, Commanding the 3rd Regiment of Light Cavalry, and Lieutenant Greentree, of Her Majesty's 64th Regiment, have been severely wounded. But, upon the whole, the casualties on the side of the British Force have been few compared with the very heavy loss inflicted upon the enemy both in men and munitions of war.

By Order of the Right Honorable the Governor General in Council,

G. F. EDMONSTONE,
Secretary to the Government of India.

(COPIES.)

FROM

LIEUTENANT GENERAL SIR J. OUTRAM, K. C. B.,
Commanding Expeditionary Force,

TO

HIS EXCELLENCY LIEUTENANT GENERAL SIR H. SOMERSET,
K. C. B. AND K. H.,
Commander-in-Chief, Bombay.

CAMP NEAR BUSHIRE, 10*th February* 1857.

SIR,

I HAVE the honor to report, for your Excellency's information, that the Persian Expeditionary Force obtained a signal victory over the Persian Army, commanded by Shooja-ool-moolk in person, on the 8th Instant.

2. The enemy's loss in killed and wounded must have been very great. It is impossible to compute the exact amount; but from the number of bodies which strewed the ground of contest,—extending several miles,—I should say that full 700 must have fallen. Two 9-pounder Guns, with their carriages and horses, 8 mules laden with ammunition, and several hundred stand of arms were taken; and the Persian Commander-in-Chief, with the remainder of his Army, only escaped annihilation owing to the numerical weakness of our Cavalry.

3. The loss on our side is, I am happy to say, comparatively small, attributable, I am inclined to believe, to the rapid advance of our Artillery and Cavalry, and the well-directed fire of the former, which almost paralyzed the Persians from the commencement. I have, however, to regret the loss of Lieutenant Frankland, 2nd European Regiment, who was acting as Brigade Major of Cavalry, and was killed in the first Cavalry charge. Captain Forbes also, who commanded and most gallantly led the 3rd Cavalry, and Lieutenant Greentree, 64th Foot, were severely wounded.

4. Returns of the killed and wounded, and also of the ordnance and other stores taken, are annexed. A. B. C. D.

5. I myself had little to do with the action, being stunned by my horse falling with me at the commencement of the contest, and recovering only in time to resume my place at the head of the Army shortly before the close of the action.

6. To Major General Stalker, and Colonel Lugard, Chief of the Staff, is the credit due for successfully guiding our troops to victory on this occasion.

7. The circumstances preceding this satisfactory termination of a brief but arduous campaign I now proceed to detail for your Excellency's information.

8. On the 27th Ultimo I landed at Bushire and assumed the Command of the Army, issuing on the occasion the Order of which copy is annexed. The vast preparations of the Persian Government for the recovery of Bushire then came to my knowledge. Shooja-ool-Moolk, who Commands the Persian Troops, had assembled a Force, as per margin, at the town of Burazjoon,—46 miles distant from Bushire,—and entrenched his position. This Army was well supplied with food and ammunition, of which considerable magazines had been collected. It was intended that this Force should form the nucleus of a very large Army, to be assembled for the recapture of Bushire. I therefore deemed it imperatively necessary to strike a blow in this quarter before prosecuting operations at Mohumra or elsewhere.

Guards	900	5100
2d Karagoozler Regt.	1,500	
Skiraz Regt	200	
4th Regt. of Lubriz	800	
Arab Regiment. ..	900	
Kuskhai Regiment	800	
Pufengeheos	1000	800.
Cavalry	300	
Elkhanee Horse, ..	500	
Guns (said to be)..	18	

3rd Cavalry, ...	243	419 Sabres.
Poona Horse, ...	176	
64th Foot, ...	780	2,212 Europeans.
2nd Europeans, ..	693	
78th Highlanders, .	739	
Sappers, ...	118	2,022 N. I.
26th N. I., ...	442	
4th Rifles, ...	523	
26th N. I., ...	479	
Beloochees, ...	460	
3rd Troop H. A., ..	6	18 Guns.
3rd Lt. Fd. Batt., ...	6	
3rd ditto	6	

Camp.

378 Europeans.
1,466 Native Infantry.
1 Co. Euro. Artillery.
14 Guns.

9. The 1st Brigade 2nd Division, which arrived on the 31st Ultimo and 1st Instant, was landed immediately, and on the evening of the 3rd, the Troops as per margin marched from this Camp without tents or extra clothing of any sort, each man carrying his great coat, blanket, and two days' cooked provisions; the Commissariat being provided with three days in addition; the protection of the Camp and Town of Bushire being duly provided for by a Detachment of Troops under the Command of Lieutenant Colonel Shepheard, reinforced by a party of Seamen from all the Ships in the harbour, which the Senior Naval Officer was so good as to place at my disposal.

10. After a march of 46 miles in forty-one hours, during which the Troops were exposed to the worst of weather, cold nights, and deluging storms of rain, they reached the enemy's entrenched position on the morning of the 5th, and found it abandoned. The enemy, on hearing of our approach, had evacuated his entrenchments the previous night so precipitately, that his tents and camp equipage and ordnance magazines were left behind. The former were being rapidly carried off by village plunderers operating for some hours before we arrived. I endeavoured to intercept the retreat of some of the Elkhanee's horse, who had held the Camp during the night and were still in sight, and a little skirmishing took place; but eventually they made off.

11. The enemy having succeeded in withdrawing their Guns to the strong Passes, where I did not deem it prudent to follow them, and being satisfied with the moral effect of our occupying their position for two days, I decided upon moving the Troops back to Bushire. The return march was accordingly commenced on the night of the 7th, first destroying their Magazines,—found to contain about 40,000 lbs. of powder, with small-arm ammunition and a vast quantity of shot and shell, and carrying away large stores of flour, rice and grain, which the Persian Government had been collecting for a long time past for their Army, thereby effectually crippling their future operations. Some of their Guns are supposed to have been cast into wells, and as their wheels and axles fall into our hands, it will be impossible they can be used again for the present.

12. At midnight an attack was made upon the Rear Guard by the enemy's horse, and parties threatened the line of march on every side; the Troops were halted, and so formed as to protect the Baggage and resist the horsemen in whatever direction they might attempt to charge. Four of the enemy's Guns of heavy metal opened their fire upon the column, whilst the darkness of the night prevented any steps being taken to capture them.

13. I should here state that, on abandoning the position, Shooja-ool-Moolk with his Force had taken the direct road to Shiraz by the "Mhak Pass," and the Eilkhanee with his horse had retired by the one leading to the "Huft Moolla;" and from information subsequently received, I learn that they had planned a combined attack upon our Camp the night we marched. Indeed, the explosion of their large Magazines gave them the first intimation of our departure, when they hastened after us in the expectation of being able to attack us on the line of march, and possibly create confusion and panic in the dark.

14. At day-break, the Persian Force, amounting to between 6 and 7,000 men, with some Guns, was discovered on our left rear (North-East of our line of march) in order of Battle.

15. Our Artillery and Cavalry at once moved rapidly to the attack, supported by two lines of Infantry, a third protecting the Baggage. The firing of the Artillery was most excellent and did great execution. The Cavalry Brigade twice charged with great gallantry and success. A Standard (of the Kaskai Regular Infantry Regiment) was captured by the Poona Horse; and the 3rd Light Cavalry charged a square and killed nearly the whole Regiment. Indeed, upon the Cavalry and Artillery fell the whole brunt of the action, as the enemy moved away too rapidly for the Infantry to overtake them. By 10 o'clock, the defeat of the Persians was complete. Two Guns were captured. The Gun ammunition, laden upon mules, fell into our hands, and at least 700 men lay dead upon the field. The number of wounded could not be ascertained, but it must have been very large. The remainder fled in a disorganised state, generally throwing away their arms, which strewed the field in vast numbers, and nothing but the paucity of our Cavalry prevented their total destruction and the capture of the remaining Guns.

16. The Troops bivouacked for the day close to the battle field, and at night accomplished a march of 20 miles (by another route) over a country rendered almost impassable by the heavy rain, which fell incessantly. After a rest of six hours, the greater portion of the Infantry continued their march to Bushire, which they reached before midnight; thus performing another most arduous march of 44 miles under incessant rain, besides fighting and defeating the enemy during its progress within the short period of fifty hours. The Cavalry and Artillery reached Camp this morning.

17. The result is most satisfactory, and will, I trust, have a very beneficial effect upon our future operations.

18. The greatest praise is due to the Troops of all Arms for their steadiness and gallantry in the field, their extraordinary exertions on the march, and their cheerful endurance of fatigue and privation under circumstances of peculiar hardship, rendered doubly severe by the inclemency of the weather, to which they were exposed without shelter of any kind; and I cannot too strongly express the obligation I feel to all under my Command, for the almost incredible exertions they have undergone, and the gallantry they have displayed on this occasion.

19. To Major General Stalker and to Colonel Lugard my especial thanks are due.

20. To the Heads of the several Departments, as well as to every Officer belonging to those Departments, and to my personal Staff, (including Lieutenant Colonel Lord Dunkellin, who volunteered his services as Aide-de-Camp,) I am much indebted. From all I received every possible assistance, and although I do not now specify by name the departmental and personal Staff, and other Officers alluded to, I shall hereafter take an opportunity of bringing them individually to your Excellency's notice. Indeed, when all have behaved so nobly, it is difficult to specify individuals.

21. The rapid retreat of the enemy afforded but little opportunity for deeds of special gallantry. I have already alluded to the successful charges made by the 3rd Cavalry and Poona Horse under Captain Forbes and Lieutenant Colonel Tapp, and to the very efficient service performed by the Artillery under Lieutenant Colonel Trevelyan, the Brigadiers Commanding the Infantry Brigades,—Wilson, Stisted, and Hamer,—with the several Commanding Officers of Regiments, and indeed every Officer and Soldier of the Force earned my warmest approbation.

22. To the Medical Officers of the Forces I am under great obligation for their untiring exertions throughout these arduous operations.

23. I cannot conclude without alluding in strong terms to the valuable assistance I have received from Major Taylor, whose services were placed at my disposal by the Honorable C. A. Murray, C. B.

I have, &c.,

(Signed) J. OUTRAM, *Lieutenant General,*

Commanding Expeditionary Force.

A.

RETURN of Killed and Wounded belonging to the Persian Field Force during the Action at Khushab, on February 8th 1857.

Rank.	Names.	Killed.	Wounded.	Nature of Wound.
	Divisional Staff.			
Lieutenant	Frankland	1	0	Gun shot wound in head.
	3rd Troop H. A.			
Gunner	James Kelly	0	1	Gun shot wound in left leg, dangerous.
„	James Ryan	0	1	„ right leg „
Farrier	George Eagan	0	1	„ left fore-arm „
Horse-keeper	ewjee	0	1	„ right thigh, since dead.
„	Sullowa	0	1	„ right leg, amputated.
„	Kasserow	0	1	Left leg very slightly grazed.
	1st Company 1st Battalion Artillery.			
Gunner	John Abbott	0	1	Right buttock grazed slightly.
Horse-keeper	Suddo	1	0	Gun shot wound.
	4th Company 1st Battalion Artillery.			
Gunner	James Courtney	0	1	Right buttock grazed slightly.
Trumpeter	Joseph Manning	0	1	Gun shot wound on face, dangerous.
	3rd Light Cavalry.			
Captain	J. Forbes	0	1	Ball through right thigh, severely.
Havildar	Runjeet Sing	0	1	„ left lung, dangerous.
Trooper	Ram Sing	0	1	Sword cut on right foot, slightly.
„	Ragonath Sing	0	1	Ball through left calf, severely.
„	Ramdeen	0	1	Ball anterior to humerus of left arm, severely.
„	Wazier Khan	0	1	all through fleshy part of right arm and left thigh.
„	Shaik Yushun	0	1	„ right thigh, severely.
„	Rowjee Jadow	0	1	„ left „ „
„	Bujjoo Pursad	0	1	Contusion on left ankle, slightly.
„	Mahomud Hussun Khan	0	1	Ball into arm, below elbow joint, dangerous.
„	Shaik Khooda Bux	0	1	Ball through abdomen, since dead.
„	Bindah Sing	1	0	Ball through chest.
„	Nundah Khan	0	1	Ball on the head, slight.
„	Seetul Sing	0	1	Ball wound in the hand, slight.
„	Gindeen	0	1	Sword cut in hand, ditto.
„	Sen Surrum Sing	0	1	Ball struck left side of chest, ditto.
	H. M.'s 64th Regiment.			
Captain	T. Mockler	0	1	Contusion of calf of right leg from a round shot.
Lieutenant	J. Greentree	0	1	Severely by a round shot, which caused loss of left foot.
Color Serjeant	W. Brady	0	1	Slight contusion.
Private	Thomas Montgomery	0	1	Slight abrasure in right axella from round shot.
„	Frederick Reilly	0	1	Slightly, right side.
„	John Shaw	0	1	„ chest.
„	Wm. McCarty	0	1	Dangerously, fracture of right femur.
„	Charles Murchin	0	1	Ditto ditto of right femur and wound of left knee.
„	Alexander Fergusson	0	1	Mortally, thigh amputated, since dead.
„	Patrick Hagoty	0	0	Ditto compound fracture of both legs, since dead.
„	Thomas Simmons	0	1	Dangerously, lacerated wound of both thighs.
„	Mal. Doncaster	0	1	Slight contusion above right knee.
„	John Prescot	0	1	Slight wound in scalp.

Rank.	Names.	Killed.	Wounded.	Nature of Wound.
	2nd European Regiment Light Infantry.			
Ensign	Woodwek	0	1	Gun shot left shin, slightly.
Private	Thomas Deveran	1	0	Gun shot.
„	Thomas Gallaher	1	0	Ditto.
„	Morgan Shield	0	1	Gun shot right side, dangerous, since dead.
„	James Clarke	0	1	„ right shin, severely.
„	Wm. Price	0	1	„ left leg, slightly.
„	John Norwell	0	1	„ right thigh, ditto.
„	James Teague	0	1	„ right hand, ditto.
„	James McArdele	0	1	„ right foot, dangerous, leg amputated.
„	John McKay	0	1	„ left foot, severely.
„	John Rhodenhurst	0	1	„ left leg, ditto.
„	James Doulin	0	1	„ right thigh, slightly.
	Poona Irregular Horse.			
Duffadar	Mhee Nubbeer Bux	0	1	Severe gun shot wound in the loins, right inguinal region.
Subadar	Badoola Khan	1	0	Gun shot.
Bargier	Goolam Modheen Khan	1	0	Gun shot.
„	Nooroolla Khan	1	0	Gun shot.
„	Shaik Jewan	0	1	„ wound through thorax, since dead.
„	Pailwan Sing	0	1	Slight gun shot wound through right deltoid muscle.
„	Goolol Khan	0	1	Ditto of right arm.
Syce	Madoo	0	1	Round shot, requiring amputation of left leg.
Private	Jugganal Dachel	0	1	Severe gun shot wound through left fore-arm.
„	Liximon Doobay	0	1	Gun shot wound above knee left.
„	Aboo Sawunt	0	1	Severe contusion of the calf of right leg by spent ball.
	26th Regiment N. I.			
Assistant Surgeon	J. M. Barnett	0	1	Slightly spent musket ball right arm.
Havildar	Nainan Nais	0	1	Slight contusion of head.
Private	Doorjim	0	1	Ditto ditto.
Ditto	Bunds Koray	0	1	Severe wound of head from round shot.
Ditto	Bodoo Kulwar	0	1	Ditto gun shot wound of right shoulder and chest.
	2nd Belooch Battalion.			
Private	Shaik Mahomed	1	0	Round shot through left breast.
	Ordnance Department.			
Store Lascar	Burwajee Coobajee	0	1	Dangerously, gun shot wound, left arm.
Tent ditto	Lusman Balloo	0	1	Seriously, sword wound in face.
Store ditto	Baboo Nannoo	1	0	Gun shot wound in abdomen.

Total Killed ..... Europeans .. 3 Natives .. 7
„ Wounded.. „ .. 31 „ .. 31

Grand Total .. Killed .. 10
Wounded .. 62
— 72

Died of Wounds since the action, 3 Europeans and 3 Natives.

(Signed) M. STOVELL, *Supg. Surgeon,*
1st Division, P. E. F. Force.

(True Copy)

(Signed) EDWARD LUGARD,

Chief of the Staff.

B

RETURN of Ordnance captured on the Morning of the 8th Instant.

Bivouac "Kooshab," 8th February 1857.

Number.	Description.	Marks.	Vent.	Calibre or weight of Ball.	Length.	Bore.	Remarks.
1	Brass Gun	Persian Inscription ..	Good	9 Pounder..	6 Feet	4 2	Of Persian manufacture.
2	Ditto..... ..		Spiked	9 Pounder..	Ditto.....	4 2	

These Guns are in good travelling order, mounted on Travelling Field Carriages, each Limber, fitted with a Limber Box, to contain about 30 rounds of ammunition. One Gun was taken with three horses, harness, &c., complete.

The carriages are of block trail construction, the checks of one require to be re-placed.

Eighteen rounds of ammunition and some food were in the Limber Boxes.

Besides the above, were 262 rounds of Gun ammunition, which I destroyed before leaving the Bivouac on Sunday evening. The mules, eight in number, which carried it, I have brought into Camp. I have 350 stand of arms, and I think treble that number must have been taken by Camp followers and others.

One Gun was spiked by our Horse Artillery, as they had to leave it when following on in pursuit. I have since removed the spike.

(Signed) B. K. FINNIMORE, *Captain,*

Field Commissary of Ordnance, P. F. F.

(True Copy)

(Signed) EDWARD LUGARD,

Chief of the Staff.

C.

RETURN of Ordnance Stores found in the Enemy's Entrenched Position at Burazjoon, on the 5th Instant.

Bivouac "Koostab," 8th February 1857.

No.	Description.	How disposed of.
*3,500	Gun Cartridge attached to 12, 6, 3 and 1½ Per. Shot..	Cartridge broken, and exploded in the Mine on the 7th instant, shot scattered.
*6,00,000	Musketry Balled Cartridges	15,000 broken up, and balls brought on by Ordnance Department; remainder destroyed by Mines on the 7th instant.
10	Casks of Flints (English)	Given to the Troops.
5,000	Fuzes	Exploded by the Mines on the 7th instant.
20	Quick Match, lbs.	Ditto ditto ditto.
400	Slow Match, yards	Ditto ditto ditto.
1,000	Port Fires	Ditto ditto ditto.
4,000	Tubes for priming	Ditto ditto ditto.
3	Trumpets	Given to the Troops.
1	Drum	Ditto ditto.
20	Tents	Given to the Troops; part were brought away, the remainder destroyed.
12	Wheels	Given to the Troops for fire-wood.
A large quantity in bags, exact amount not known.	Sulphur	Destroyed by the Mines on the 7th instant.
	Indigo	Ditto ditto ditto.
	Saltpetre	Ditto ditto ditto.
	Tar	Ditto ditto ditto.
	Charcoal	Given to the Troops for cooking.
	Rope	Destroyed by the Mines on the 7th instant.
	Drag Ropes	Ditto ditto ditto.
	Wood	Given to the Troops for cooking.
2,000	Large Shot	Scattered
1,000	Loose Shell	Burst and destroyed.
74	Pigs of Lead	Brought into Camp by Ordnance Department.
7	Axle-trees	Ditto ditto ditto.
7	Brass Nave Boxes	Ditto ditto ditto.
10,000	Gunpowder	Exploded in the Mines on the 7th instant.
A large quantity of	Iron	Distributed among Batteries and Troops.
	Red Orpiment.....	Destroyed by the Mines on the 7th instant.

(Signed) B. K. FINNIMORE,

Field Commissary of Ordnance.

(True Copy)

(Signed) EDWARD LUGARD,

Chief of the Staff.

* Cartridges and Powder exploded in the Mines amount together to about 40,000 lbs.

D.

No. 12.

FIELD FORCE.

Deputy Commissary General's Office, Entrenched Camp Bushire,

The 12th February 1857.

THE CHIEF OF THE STAFF.

SIR,

I have the honor to report for the information of the Lieutenant General Commanding, that in obedience to the instructions received, I proceeded to the Town of Burazjoon on the morning of the 7th instant, and removed from the Persian Magazine the under-mentioned Commissariat Stores. I had not the means of weighing the Articles, but have no doubt that the quantities set down are substantially correct :—

			Since ascertained by actual weighing.	
Wheat, Flour, ...	19,000 lbs.,	.....	Flour, lbs.	17,042
Rice, ...	2,000 „	....	Barley, „	3,788
Barley, ...	2,000 „	.....	Wheat, „	2,504
Wheat, ...	1,500 „	....	Rice, „	2,907

The whole of the above have been brought on or issued on the march, with the exception of some rice, which was lost by the upsetting of the cart in which it was being conveyed.

I have the honor to be, &c.,

(Signed) G. POPE, *Lieut.-Colonel,*

Deputy Commissary General.

(True Copy)

(Signed) EDWARD LUGARD,

Chief of the Staff.

E.

HEAD QUARTERS, PERSIAN EXPEDITIONARY FORCE,

ON BOARD "SEMIRAMIS,"

The 27th January 1857.

FIELD FORCE ORDERS.

1. Lieutenant General Outram, on assuming Command of the Expeditionary Force, has much gratification in promulgating the very just merited acknowledgments of the Governor General of India in Council of the great service achieved by Major General Stalker and the Troops under his Command in the capture of Bushire, and especially of the gallant conduct in the action at Bushire, which led to the surrender of the City.

The thanks and acknowledgments of the Governor in Council Bombay have already been communicated, and the Lieutenant General trusts those of our Gracious Queen will soon follow.

2. The Lieutenant General has great pleasure in announcing to the Troops at Bushire, that Major General Stalker will continue to Command them as now constituting the 1st Division of the Augmented Expeditionary Army, and he begs to thank that Officer for the praiseworthy zeal for the public interest which induced him to afford the Lieutenant General the aid of his valuable services, by retaining the Command of the Troops he has heretofore so ably led.

(Signed) EDWARD LUGARD,

Chief of the Staff.

(True Copy)

(Signed) EDWARD LUGARD,

Chief of the Staff.

(True Copies)

G. F. EDMONSTONE,

Secretary to the Government of India.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

Numb. 21.

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy to the Govt of India.

SATURDAY, MARCH 14, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 28th February 1857, and was referred to a Select Committee who are to report thereon after the 11th of June next :—

A Bill to amend Act IX of 1850.

Preamble.

WHEREAS it is expedient that the rate of diet money required to be deposited for the subsistence of a person imprisoned under a judgment of a Court of Small Causes, should be varied on due cause being shown ; It is enacted as follows :—

Power to make and alter orders as to amount of diet money to be deposited for persons imprisoned under Small Cause Court judgments.

I. It shall be lawful for a Judge of a Court of Small Causes, holden under Act IX of 1850, on due cause being shown, to order that the diet money to be deposited for the subsistence of a prisoner taken in execution under a warrant of the Court shall be deposited after a rate of not less than one anna nor more than four annas for each day. Every such order may from time to time be revised and altered on due cause being shown.

Construction.

II. This Act shall be read with and taken as a part of Act IX of 1850.

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 513.

Fort William, Home Department,

The 13th March 1857.

Notifications.—Mr. H. B. Riddell, Director General of the Post Office of India, reported his return to India, and resumed charge of his Office at Bombay, on the 9th Instant.

No. 514.

The Hon'ble Court of Directors having informed the Governor General in Council that doubts are entertained as to the legality of Act No. VI of 1856, entitled an Act for granting exclusive privileges to Inventors, and having directed the Government of India to refrain from granting Patents, it is hereby notified for general information that no further orders will for the present be made authorizing petitioners to file a specification of their inventions.

By order of the Governor General of India in Council,

CECIL BEADON,
Secy. to the Govt. of India.

No. 1144.

Fort William, Foreign Department,
The 13th March 1857.

With reference to G. O. dated 25th April 1856, No. 2155, the Right Hon'ble the Governor General in Council directs the publication of the following letter from the Manager of the French Consulate at Calcutta, calling attention to the second Exhibition of Breeding Animals and of Agricultural Implements and Products, which is to take place at Paris in 1857, and intimating the change of date for the opening and closing of this Exhibition.

G. F. EDMONSTONE,
Secretary to the Government of India.

Calcutta, 27th February 1857.

French Consulate
at
Calcutta.

No. 1414.

G. F. EDMONSTONE, ESQ.,
Secy. to the Govt. of India,
Foreign Department.

SIR,

I HAD the honor to inform you, by my despatch of the 3rd April 1856, No. 1147, that a Universal Exhibition of Breeding Cattle and Agricultural Implements and Products, Foreign and French, was to have taken place at Paris, in 1856, from the 23rd May to the 7th June, and 1857, from the 22nd May to the 9th June. At the same time I annexed to my despatch a copy of the Ministerial Decree, which fixed the basis of the Exhibition.

The first Exhibition having produced the best possible results, His Excellency the Minister for Foreign Affairs is desirous that the greatest publicity should be again given in the several Countries to the Exhibition of 1857.

It is with this view, Sir, and in accordance with the wishes of His Excellency the Minister of Agriculture, Commerce and Public Works, and His Excellency the Minister for Foreign Affairs that I beg of you to be good enough to remind the Breeders and Agriculturists of this Country, through the *Official Gazette* of the Government of India, of the Ministerial Decree which fixes the basis thereof.

Accept, Sir, the assurance of my high consideration.

(Signed.) H. ANGELUCCI,
Manager of the Consulat.

P. S.—Will you permit me, Sir, to observe for your information, in a Postscript, that there is a slight change in the period of the opening of the Agricultural Exhibition during this year, *viz.*, the opening of it is fixed for the 1st June next, and its termination for the 10th Idem.

(Signed) H. A.

No. 1145.

The Reverend John Cave Browne is appointed to officiate as Chaplain at the station of Nowshera.

No. 1146.

Mr. G. H. M. Ricketts, Officiating Deputy Commissioner of Loodianah, is appointed to be Marriage Registrar in that district, under the provisions of Act V. of 1852

No. 1147.

Assistant Surgeon W. G. Clarke, of Her Majesty's 35th Regiment, is appointed to the Civil Medical charge of the Station of Shoay Gyeen, with effect from the 1st of January last, in succession to Assistant Surgeon Patterson, who has left the Station.

No. 1148.

Dr. H. A. Oldfield, Residency Surgeon in Nepal, resumed charge of his appointment from Dr. J. Brown, on the 1st Instant.

The services of Dr. Brown are replaced at the disposal of the Military Department.

No. 1149.

Mr. C. P. Elliott, Assistant Commissioner at Lahore, has obtained leave of absence, under Section 12 of the new Civil Absentee Rules, for three months, from the 16th July next.

Dya Shunkur, Extra Assistant Commissioner at Thanesur, has obtained leave of absence, under Section 7 of the Uncovenanted Leave Rules, for two months, from the 7th Proximo.

No. 1150.

The Right Hon'ble the Governor General in Council is pleased to make the following appointments:—

Lieutenant General Sir James Outram, K. C. B., Chief Commissioner in Oudh, (on special duty) to be Agent to the Governor General for the States of Rajpootana.

Colonel Sir H. M. Lawrence, K. C. B., to be Chief Commissioner and Agent to the Governor General in Oudh.

Major C. Davidson, Resident at Baroda, to be Resident at the Court of His Highness the Nizam, in succession to Mr. G. A. Bushby, deceased.

Colonel Sir R. C. Shakespear, Kt., to be Resident at Baroda.

Lieutenant Monk Mason, Assistant to the Agent Governor General in Rajpootana, to be Political Agent at Joudhpore.

Lieutenant-Colonel G. St. P. Lawrence, Political Agent in Meywar, to act as Agent to the Governor General in Rajpootana, during the absence of Sir James Outram, or until further orders.

Captain C. L. Showers, Assistant to the Agent Governor General in Rajpootana, to act as Political Agent in Meywar.

Lieutenant-Colonel H. M. Durand, to act as Agent to the Governor General for Central India, during the absence of Sir Robert Hamilton, Bart., or until further orders.

No. 1151.

The services of Mr. C. C. Jackson, Officiating Chief Commissioner in Oudh, are re-placed at the disposal of the Government, North Western Provinces, from the date on which he may be relieved of his duties at Lucknow.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No. 14.

Fort William, Financial Department,

The 13th March 1857.

Notification.—The following statement of Cash Balance in the Government Treasuries throughout India, at the expiration of the third Quarter of 1856-57, is published for general information :—

Date	*Amount of Balance*
31st January 1857,	Co.'s Rs. 12,65,96,168.

C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

No 33.

Fort William, Public Works Department,

PUBLIC,

The 13th March 1857.

Appointments.—The Right Hon'ble the Governor General in Council is pleased to make the following appointments :—

2nd Lieutenant E. W. Humphry, of Engineers, attached to the Sappers and Miners, to be a Probationary Assistant Engineer, and posted to the Burdwan Division Embankments.

No. 34.

Mr. J. Thompson, to be an Assistant Overseer in the Public Works Department and posted to the 2nd Division Grand Trunk Road, *vice* Corporal McNamara, returned to Regimental duty.

No. 35.

Mr. J. G. Maelzer, to be permanently appointed an Assistant Overseer in the Public Works Department, 2nd Division Grand Trunk Road, from the 6th November last.

No. 36.

Leave of Absence.—The Right Hon'ble the Governor General in Council is pleased to confirm the extension of leave granted by the Chief Commissioner Punjab, to Captain S. B. Faddy, Officiating Executive Engineer, Ferozepore, from 1st February to 7th March, in continuation of leave granted to him by the Officiating Chief Engineer, from the 1st to the 31st January.

No. 37.

The leave of absence for two months granted to Lieutenant A. Taylor, Superintendent of the Lahore and Peshawur Road, in Notification No. 190 of the 28th November 1856, is cancelled at the request of that Officer.

No. 38.

The services of Lieutenant J. H. Lamb, of Artillery, Deputy Superintendent Cawnpore Division Ganges Canal, and Officiating Superintendent Etawa Division Ganges Canal, are placed at the disposal of the Hon'ble the Lieutenant Governor North Western Provinces.

W. E. BAKER, *Lieut.-Col.*,
Secy. to the Govt. of India.

No. 306.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 9th March 1857.—Mr. C. F. Montresor, Officiating Collector of Tipperah, to officiate also as Magistrate of that District until Mr. Cockerell's arrival.

Moulavy Mowazzumooddeen, to officiate as Law Officer of Backergunge.

Baboo Sreenauth Ghose, Deputy Magistrate and Deputy Collector of Bhuddruck, to be also Assistant to the Salt Agent of Balasore.

The 11th March 1857.—Assistant Surgeon S. M. Shircore, of the Sylhet Light Infantry Battalion, to be in charge of Civil Medical duties of Cachar from the 19th Ultimo.

The 12th March 1857.—Mr. H. D. H. Fergusson, to officiate as Commissioner of Revenue and Circuit for the Nuddea Division.

Mr. C F. Montresor, to officiate as Magistrate of the 24-Pergunnahs and Superintendent of the Allipore Jail. Mr. Montresor is vested with the powers of a Magistrate in the Town of Calcutta.

Mr. E. Sandys, to officiate as Collector of Tipperah.

Mr. R. O. Heywood, to officiate as Collector of Sylhet.

Leave of Absence.—The 5th March 1857.—Baboo Baneenauth Bose, Officiating Sudder Ameen and Sudder Moonsiff of Nuddea, for four days, from the 10th to the 13th Instant, under Section VII. of the Uncovenanted Absentee Rules.

The 7th March 1857.—Mr. R. F. Hodgson, late Collector of Behar, for one year, on Medical Certificate, to proceed to Europe.

Mr. J. P. Dessa, Deputy Collector of Purneah, for one month, on Medical Certificate, under Clause 2 Section V. of the Uncovenanted Absentee Rules, in extension of the leave granted to him on the 3rd Ultimo.

The 9th March 1857.—Moulavy Mahomed Shuffeeoodeen, Law Officer of Backergunge, for three months, on Medical Certificate, under Clause 2 Section V. of the Uncovenanted Absentee Rules.

The 12th March 1857.—Mr. A. Grote, Commissioner of Revenue and Circuit for the Nuddea Division, for three months, under Section XII. of the revised Absentee Rules, from the date on which he may avail himself of the same.

Notification.—The 5th March 1857.—The services of Sub-Assistant Surgeon Dhumree Tewarry, of the Pooree Dispensary, have been placed temporarily at the disposal of the Government of India.

E. H. LUSHINGTON,
In charge of the Office of the Secretary to the Govt. of Bengal at the Presidency.

Orders by the Hon'ble the Lieutenant-Governor North-Western Provinces.

No. 1126 of 1857.

Revenue Department, N. W. P.

Agra, the 6th March 1857.

Notifications.—Mr. J. W. Hennessy, Deputy Collector, under Regulation IX. of 1833, in Zillah Hoshungabad, is placed in charge of the Treasury of that District.

No. 1154 of 1857.

Judicial Department.

The 7th March 1857.

Mr. G. Palmer is vested with the full powers of Joint Magistrate and Deputy Collector, and attached to the Rohilcund Division, with a view to his employment in the Bijnore District.

No. 1157 of 1857.

Revenue Department.

Appointments.—Mr. W. Johnson, Deputy Collector, under Regulation IX. of 1833, of Moradabad, now officiating at Benares, to officiate as Deputy Collector at Allygurh, *vice* Fiddeh Allee.

Mr. J. Bickers, Additional Deputy Collector, under Regulation IX. of 1833, now officiating at Mirzapore, to officiate as Deputy Collector at Benares, *vice* Mr. J. Alone, at present Officiating as Assistant Secretary to the Sudder Board of Revenue North Western Provinces.

Mr. N. Parsick, Deputy Collector, under Regulation IX. of 1833, of Goruckpore, now employed on Irrigation Works in the Agra District, to officiate as Deputy Collector at Mirzapore, *vice* Mr. John Walker, absent on sick leave.

By order of the Hon'ble the Lieutenant Governor North Western Provinces.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

ORDERS BY THE HON'BLE THE LIEUTENANT GOVERNOR, NORTH WESTERN PROVINCES.

No. 940.

GENERAL DEPARTMENT, EDUCATION.

HEAD QUARTERS, AGRA, THE 7TH MARCH 1857.

Notification.—The following Statement, showing the progress of Vernacular Education in the Benares Division, received from Baboo Sivaprasad, Joint Educational Inspector, Benares Circle, is published by order of the Honorable the Lieutenant Governor of the North Western Provinces.

C. B. THORNHILL, *Offg. Secy. to the Govt. N. W. P.*

COPY.

General Statement of the Tahsili and Hulkabandi Schools and Scholars in the Benares Division, showing the number of Mehals in each district, the Jumma, the Educational rate, &c., as it stood on the 31st December 1856, prepared in conformity to the order of His Honor the Lieutenant Governor, North Western Provinces.

Districts.	Tahsils.	No. of Schools.	Sons of Cultivators.	Sons of Proprietors.	Boys not included in the preceding columns. Relations of Government Officials.	Of Traders and Artizans.	Miscellaneous.	Total. Hindoos.	Mahomedans.	Grand Total.	No. of Mehals.	Jumma.			Mehals of which the owners have subscribed ½ per cent Educational rate.	Amount of Jumma on which Educational rate has been subscribed.			Proportion of the Jumma bearing Educational to the whole rate.	Amount of Educational rate.			Remarks.
Azimgurh	Koelsa ...	13	85	114	5	71	4	232	47	279	315	1,46,544	0	0	315	1,46,544	0	0	1	732	11	6	
	Sugri ...	11	18	49	80	30	16	139	54	193	486	1,26,614	8	9	374	1,05,441	8	9	·83	527	3	4	
	Ghose ...	14	72	114	21	100	48	212	143	355	445	1,53,029	7	0	397	1,47,409	11	9	·96	737	0	9	
	Sekunderpoor ...	16	70	62	4	44	7	145	42	187	496	1,98,357	6	0	496	1,98,357	6	0	1	991	12	6	
	Mahul ...	17	72	84	0	111	57	232	92	324	351	1,67,524	4	0	149	78,566	12	0	·46	392	13	4	
	Davgaon ...	7	29	66	3	20	17	125	10	125	456	1,18,668	8	6	229	63,263	8	3	·53	316	5	0	
	Cheriakote ...	11	57	41	24	3	37	134	28	162	320	97,784	0	0	75	28,691	0	0	·29	143	7	6	
	Nizamabad ...	23	174	120	1	28	1	312	12	324	1,150	3,07,748	0	0	859	2,27,219	8	0	·73	1,138	1	7	
	Muhumdabad ...	15	123	168	24	161	50	312	214	526	422	1,85,208	10	4	153	88,394	4	3	·46	441	15	6	
	Total ...	127	700	818	162	568	237	1843	642	2,485	4,441	15,01,473	12	7	3,047	10,83,887	10	11	·72	5,410	7	0	
Jhipore	Buliah ...	26	45	46	23	17	25	141	15	156	344	3,37,880	13	5	262	2,06,954	15	7	·61	1,034	12	4	
	Rusara ...	21	72	73	13	39	45	198	44	242	293	1,68,005	9	3	293	1,68,005	9	3		840	0	6	
	Muhumdabad ...	23	72	127	72	38	29	282	56	338	486	2,00,887	7	8	481	1,97,197	7	4	·98	985	15	10	
	Huzur Tahsil ...	20	95	110	0	22	76	284	19	303	917	3,20,463	5	1	894	2,97,418	8	5	·92	1,487	1	6	
	Zumaniah ...	24	70	115	1	53	67	252	54	306	322	2,37,863	14	5	76	67,943	5	9	·28	339	11	5	
	Syudpoor ...	20	66	193	78	55	33	389	36	425	396	2,25,879	1	9	382	1,93,453	14	9	·85	967	4	3	
	Total ...	124	420	664	187	224	275	1,546	224	1,770	2,758	14,90,980	3	7	388	11,30,973	13	2	·75	5,654	13	10	

Districts.	Tahsils.	No. of Schools.	Sons of Cultivators.	Sons of Proprietors.	Boys not included in the preceding columns.			Total.		Grand Total.	No. of Mehals.	Jumma.		Mehals of which the owners have subscribed 4 per cent Educational rate.	Amount of Jumma on which Educational rate has been subscribed.		Proportion of the Jumma bearing Educational to the whole rate.	Amount of Educational rate.			Remarks.
					Relations of Government Officials.	Of Traders and Artisans.	Miscellaneous.	Hindoos.	Mahomedans.												
Goruckpur	Captaingunj	12	54	115	37	73	6	217	68	285	1,615	3,17,032	0 0	1,607	2,93,840	0 0	·92	1,469	3	2	
	Deoria	22	125	124	0	0	78	300	25	325	1,460	3,15,655	0 0	1,460	3,15,655	0 0	1·	1,578	4	5	
	Pundrawn	13	73	16	3	4	36	95	37	132	426	2,32,161	0 0	149	50,472	0 0	·21	252	5	9	
	Bansgaon	14	38	195	29	136	37	411	24	435	1,083	1,73,661	0 0	1,083	1,73,661	0 0	1·	868	4	11	
	Bansi	22	96	225	119	44	27	430	81	511	1,650	4,62,518	0 0	1,650	4,62,518	0 0	1·	2,312	9	5	
	Khulilabad	23	62	158	9	40	17	278	8	286	1,739	3,27,862	0 0	1,739	3,27,862	0 0	1·	1,639	4	11	
	Munsurgunj	23	162	78	6	48	30	311	13	324	990	3,15,218	0 0	901	2,34,546	0 0	·74	1,172	11	9	
	Hazur Tahsil	4	12	12	5	14	25	60	8	68	321	56,036	0 0	320	55,025	0 0	·98	275	2	0	
	Total	133	620	923	208	359	256	2,102	264	2,366	9,284	22,00,138	0 0	8,909	19,13,579	0 0	·86	9,567	14	4	
Joonpore	Kerakeet	7	110	41	4	53	7	189	26	215	217	1,16,955	10 6	44	24,552	8 3	·20	122	12	3	
	Hazur Tahsil	11	75	79	6	43	31	185	49	234	659	3,02,000	4 4	181	1,31,264	12 10	·43	656	5	2	
	Teghra	10	102	30	6	130	68	186	156	336	224	2,27,003	6 3	213	1,51,393	3 5	·66	756	15	6	
	Muchlishuhur	10	84	69	64	90	65	318	57	375	296	2,82,394	1 9	115	1,67,166	2 2	·59	835	13	3	
	Muriahie	11	161	90	58	93	51	407	46	453	503	3,24,573	3 3	48	55,654	1 4	·17	278	4	4	
	Total	49	532	309	138	412	222	1,279	334	1,613	1,899	12,52,926	10 1	596	5,30,930	13 0	·42	2,650	2	6	
Mirzapur	Hazur Tahsil	8	69	2	5	39	13	125	3	128	733	3,16,357	14 0	613	2,19,029	14 4	·69	1,095	2	5	
	Chunar	3	41	11	1	66	31	139	11	150	487	2,85,481	12 1	0	0	0 0	0	0	0	0	
	Tarkidour	5	17	11	0	49	25	92	10	102	400	63,539	10 0	400	63,539	10 0	1·	317	11	2	
	* Bhudhohi	14	120	59	71	79	32	293	68	361	0	0	0 0	0	0	0 0	0	1,200	0	0	
	Total	30	247	83	77	283	101	649	92	741	1,620	6,65,379	4 1	1013	2,82,569	8 4	·42	2,612	13	7	
Benares	Hazur Tahsil	30	161	130	12	140	245	640	48	688	720	4,96,594	4 4	345	1,96,084	5 7	·39	980	6	8	
	Chundowlee										598	2,81,691	1 9	456	2,01,521	8 9	·71	1,007	9	9	
	Total	30	161	130	12	140	245	640	48	688	1,318	7,78,285	6 1	801	3,97,605	14 4	·51	1,988	0	5	
	Grand Total	493	2,680	2,927	784	1,936	1,336	8,059	1,604	9,663	21,320	78,89,183	4 5	16,756	53,38,646	11 9	·67	38,693	3	8	

* The Rajah of Benares pays Rs. 1,200 per annum for the schools established in this and his other Ilaqas scattered over the other districts in the Division.

(Signed) SIVAPRASAD,
Joint Inspector, Benares Division,
or 3rd Circle, Department P. I.

BENARES,
The 20th February 1857.

No. 1095 of 1857.

Judicial Department, N. W. P.
Agra, The 6th March 1857.

Leave of Absence.—Mr. A. R. Pollock, Joint Magistrate and Deputy Collector at Benares, for one month, under Section XII. of the Amended Leave Rules, from the date of his availing himself of the leave.

No. 1099 of 1857.

Notification.—Mr. J. H. Bax, Civil Service, reported his return from Europe per Steam Ship *Bentinck* on the 1st January last, from the leave of absence granted him by the Government North Western Provinces in Orders of the 17th of June 1856.

No. 1103 of 1857.

Appointment.—Mr. Assistant Surgeon E. Tayler, 42nd Regiment Bengal Native Infantry, to officiate as Civil Surgeon of Saugor till the arrival at that station of Mr. Assistant Surgeon J. G. Kemp, appointed in Orders of the 30th January 1857.

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, the 13th March 1857.

No. 391 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders :—

No. 1099, *dated 6th March* 1857.—The Governor General in Council is pleased to make the following appointments :—

Gwalior Contingent, 5th Infantry.—Captain J. W. Carter, Second in Command, to officiate as Commandant, during the absence, on leave, of Lieutenant Colonel P. Harris, or until further orders.

Lieutenant C. M. L. Clarke, Adjutant of the 2nd Infantry, to officiate as Second in Command, *vice* Captain Carter.

Mhairwarra Local Battalion.— Lieutenant W. Carnell, Adjutant, to officiate as Second in Command, in addition to his own duties, during the absence on leave of Captain E. J. Rickards, or until further orders.

No. 1100, *dated 6th March* 1857.—Lieutenant Colonel G. H. Macgregor, C. B., Agent to the Governor General at Moorshedabad, has obtained leave of absence for two days, in extension of the leave granted to him in G. O. dated 6th Ultimo, No. 571.

No. 1102, *dated 10th March* 1857.—Lieutenant T. F. Forster, Assistant Commissioner in the Punjab, has obtained leave of absence, on private affairs, for one month, in extension of the leave granted to him in G. O. dated 6th January last, No. 33.

No. 1103, *dated 10th March* 1857.—The leave of absence, for two months, granted to Lieutenant Colonel P. Harris, Commandant of the 5th Infantry, Gwalior Contingent, in G. O. dated 27th Ultimo, No. 984, is to have effect from the 25th Idem, instead of the 1st Instant.

No. 1104, *dated 10th March* 1857.—The leave of absence granted to Lieutenant A. O. Mayne, Commandant of Artillery, United Malwa Contingent, in G. O. dated 13th Ultimo, No. 711, is extended to the 17th Proximo, or to the date on which he may embark from Bombay for Europe.

No. 392 *of* 1857.—The following Notification, issued by the Hon'ble the Lieutenant Governor North-Western Provinces, is published in General Orders :—

No. 1053, *dated 5th March* 1857.—*Appointment.*—Assistant Surgeon Henry William Spry, to be Civil Assistant Surgeon of Ajmere.

No. 393 *of* 1857.—Apothecary James Hefferap, attached to the Garrison Dispensary Fort William; is allowed leave of absence for two months, to proceed to Sea on Medical Certificate.

No. 394 *of* 1857.—The Order issued by the Officer Commanding at Dera Ghazie Khan, dated 29th January 1857, directing Assistant Surgeon H. Thom, M. D., of the 1st Sikh Infantry, to receive Medical charge of the Jail Dispensary and Civil Establishments at that Station from Assistant Surgeon T. Maxwell, M. D., of the 2nd Punjaub Cavalry, proceeded on outpost duty, with effect from the 15th January 1857, is confirmed.

No. 395 *of* 1857.—The Regimental Order issued to the 2nd Regiment Sikh Infantry, dated 17th January 1857, directing Captain R. K. Gordon, Second in Command, to assume Command of the Regiment, and Lieutenant and Adjutant R. D. O. C. Bracken to officiate also as Second in Command, consequent on the departure of Lieutenant Colonel O'Brien, transferred to the Oude Irregular Force, is confirmed.

No. 396 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe, on leave of absence, on Sick Certificate :—

Lieutenant Frederick Ernest Gammell, of the Regiment of Artillery, ...	For fifteen months, under the new Regulations.

No. 397 *of* 1857.—Lieutenant Colonel Robert McNair, of the 17th Regiment Native Infantry, is allowed to proceed to Madras, with permission to reside in the Neilgherries, on Medical Certificate, and to be absent from Bengal on that account for eight months, under the old Regulations.

No. 398 *of* 1857.—Senior Surgeon Thomas Erskine Dempster, of the Medical Department, Superintending Surgeon of the Cawnpore Circle, is permitted to proceed to Sea, on Medical Certificate, and to be absent from Bengal on that account for twelve months, under the new Regulations.

No. 399 *of* 1857.—The Right Hon'ble the Governor General of India in Council directs that the following paragraph of Military letter from the Hon'ble the Court of Directors, No. 12, dated 2nd January 1857, be published in General Orders :—

43. Captain Forster is entitled to the benefits of our decision in the case of Captain Skinner, and will accordingly be allowed to reckon his service for retirement from the date of his employment as a local Officer in the Shekawattee Brigade, *viz* 1st January 1837.

Letter dated 8th August 1856. *No.* 257.

65. Referring to Court's decisions 2nd January 1856, No. 2, on the case of Captain Skinner, forward application from Captain W. K. Forster to be permitted to reckon service for retirement from the date on which he joined the Shekawattee Battalion.

No. 400 *of* 1857.—The Right Hon'ble the Governor General in Council is pleased to direct that the following Notification, from the Foreign Department, be published in General Orders :—

No. 1113 *dated* 12*th March* 1857.—The Governor General in Council has great pleasure in publishing the accompanying Despatch from Lieutenant General Sir James Outram, K. C. B.

It describes a new success of the British Army in Persia, achieved, between the 3rd and the 8th of February, against a Force much superior in number, and in the face of difficulties which have made conspicuous the energy and promptitude of the Commander and of the Officers associated with him, as well as the courage, discipline, and cheerful endurance of the Troops.

The rapid and toilsome night-marches, deliberately planned and accomplished with precision ; the inclement weather, against which no protection of any kind was available to men or Officers ; the steady resistance to an attack in circumstances the most trying to the patience and order of an Army ; and the utter rout and confusion of the enemy with very heavy loss, when the morning light enabled our Soldiers to discern their assailants,—have marked this operation against the Persian Entrenched Camp at Borazgoon as one of which the Force under Sir James Outram's Command may well be proud. In the course of it Officers and men have exhibited all the qualities which make an Army invincible.

To Lieutenant General Sir James Outram, and to his brave Companions in Arms, the Governor General in Council desires to offer an early assurance of the warm approbation and thanks which they have so well earned. These are especially due to Major General Stalker, C. B., and to Colonel Lugard, C. B., Chief of the Staff, who are described by Sir James Outram as having guided the Troops to victory in the time—most happily not of long continuance—during which he was disabled by a severe fall of his horse. But they are due to all of every rank who have taken share in this signally successful exploit, which has called for extraordinary exertions from all, and in which all have borne themselves with gallantry.

The Governor General in Council will have the greatest satisfaction in expressing to the Honorable Court of Directors his appreciation of the service rendered and of the manner in which it was performed.

The Governor General in Council has to lament the loss of one gallant young Officer,—Lieutenant Frankland, of the 2nd European Regiment,—who, acting as Brigade Major of Cavalry, fell dead in the first of the brilliant charges by which our small body of Horse on that day distinguished itself. Captain Forbes, Commanding the 3rd Regiment of Light Cavalry, and Lieutenant Greentree, of Her Majesty's 64th Regiment, have been severely wounded. But, upon the whole, the casualties on the side of the British Force have been few compared with the very heavy loss inflicted upon the enemy both in men and munitions of war.

By Order of the Right Honorable the Governor General in Council,

G. F. EDMONSTONE,

Secretary to the Government of India.

(COPIES.)

FROM

LIEUT. GENL. SIR J. OUTRAM, K. C. B,
Comdg. Expeditionary Force,

TO

HIS EXCELLENCY LIEUT. GENL. SIR H. SOMERSET,
K. C. B. AND K. H.,
Commander-in-Chief, Bombay.

CAMP NEAR BUSHIRE, 10*th February* 1857.

SIR,

I HAVE the honor to report, for your Excellency's information, that the Persian Expeditionary Force obtained a signal victory over the Persian Army, commanded by Shooja-ool-moolk in person, on the 8th Instant.

2. The enemy's loss in killed and wounded must have been very great. It is impossible to compute the exact amount ; but from the number of bodies which strewed the ground of contest,—extending several miles,—I should say that full 700 must have fallen. Two 9-pounder Guns, with their carriages and horses, 8 mules laden with ammunition, and several hundred stand of arms were taken ; and the Persian Commander-in-Chief, with the remainder of his Army, only escaped annihilation owing to the numerical weakness of our Cavalry.

3. The loss on our side is, I am happy to say, comparatively small, attributable, I am inclined to believe, to the rapid advance of our Artillery and Cavalry, and the well-directed fire of the former, which almost paralyzed the Persians from the commencement. I have, however, to regret the loss of Lieutenant Frankland, 2nd European Regiment, who was acting as Brigade Major of Cavalry, and was killed in the first Cavalry charge. Captain Forbes also, who commanded and most gallantly led the 3rd Cavalry, and Lieutenant Greentree, 64th Foot, were severely wounded.

4. Returns of the killed and wounded, and also of the ordnance and other stores taken, are annexed.

A. B. C. D.

5. I myself had little to do with the action, being stunned by my horse falling with me at the commencement of the contest, and recovering only in time to resume my place at the head of the Army shortly before the close of the action.

6. To Major General Stalker, and Colonel Lugard, Chief of the Staff, is the credit due for successfully guiding our troops to victory on this occasion.

7. The circumstances preceding this satisfactory termination of a brief but arduous campaign I now proceed to detail for your Excellency's information.

8. On the 27th Ultimo I landed at Bushire and assumed the Command of the Army, issuing on the occasion the Order of which copy is annexed. The vast preparations of the Persian Government for the recovery of Bushire then came to my knowledge. Shooja-ool-Moolk, who Commands the Persian Troops, had assembled a Force, as per margin, at the town of Burazjoon,—46 miles distant from Bushire,—and entrenched his position. This Army was well supplied with food and am-

Guards	900	
2d Kuragoozler Regt.	1,500	
Shiraz Regt	200	5100
4th Regt. of Lubriz	800	
Arab Regiment. ..	900	
Kaskhai Regiment	800	
Pufengeheca	1000	
Cavalry	300	800.
Elkhanee Horse, ..	500	
Guns (said to be)..	18	

munition, of which considerable magazines had been collected. It was intended that this Force should form the nucleus of a very large Army, to be assembled for the recapture of Bushire. I therefore deemed it imperatively necessary to strike a blow in this quarter before prosecuting operations at Mohumra or elsewhere.

3rd Cavalry, ...	243	419 Sabres.
Poona Horse, ...	176	
64th Foot.....	780	2 212 Europeans.
2nd Europeans, ..	693	
78th Highlanders, .	739	
Sappers, ...	118	2,022 N. I.
26th N. I., ...	442	
4th Rifles, ...	523	
26th N. I., ...	479	
Beloochees, ...	460	
3rd Troop H. A., ..	6	18 Guns.
3rd Lt. Fd. Batt., ...	6	
3rd ditto	6	

Camp.

378 Europeans.
1,466 Native Infantry.
1 Co. Euro. Artillery.
14 Guns.

9. The 1st Brigade 2nd Division, which arrived on the 31st Ultimo and 1st Instant, was landed immediately, and on the evening of the 3rd, the Troops as per margin marched from this Camp without tents or extra clothing of any sort, each man carrying his great coat, blanket, and two days' cooked provisions; the Commissariat being provided with three days in addition; the protection of the Camp and Town of Bushire being duly provided for by a Detachment of Troops under the Command of Lieutenant Colonel Shepheard, reinforced by a party of Seamen from all the Ships in the harbour, which the Senior Naval Officer was so good as to place at my disposal.

10. After a march of 46 miles in forty-one hours, during which the Troops were exposed to the worst of weather, cold nights, and deluging storms of rain, they reached the enemy's entrenched position on the morning of the 5th, and found it abandoned. The enemy, on hearing of our approach, had evacuated his entrenchments the previous night so precipitately, that his tents and camp equipage and ordnance magazines were left behind. The former were being rapidly carried off by village plunderers operating for some hours before we arrived. I endeavoured to intercept the retreat of some of the Elkhanee's horse, who had held the Camp during the night and were still in sight, and a little skirmishing took place; but eventually they made off.

11. The enemy having succeeded in withdrawing their Guns to the strong Passes, where I did not deem it prudent to follow them, and being satisfied with the moral effect of our occupying their position for two days, I decided upon moving the Troops back to Bushire. The return march was accordingly commenced on the night of the 7th, first destroying their Magazines,—found to contain about 40,000 lbs. of powder, with small-arm ammunition and a vast quantity of shot and shell, and carrying away large stores of flour, rice and grain, which the Persian Government had been collecting for a long time past for their Army, thereby effectually crippling their future operations. Some of their Guns are supposed to have been cast into wells, and as their wheels and axles fall into our hands, it will be impossible they can be used again for the present.

12. At midnight an attack was made upon the Rear Guard by the enemy's horse, and parties threatened the line of march on every side; the Troops were halted, and so formed as to protect the Baggage and resist the horsemen in whatever direction they might attempt to charge. Four of the enemy's Guns of heavy metal opened their fire upon the column, whilst the darkness of the night prevented any steps being taken to capture them.

13. I should here state that, on abandoning the position, Shooja-ool-Moolk with his Force had taken the direct road to Shiraz by the "Mhak Pass," and the Elkhanee with his horse had retired by the one leading to the "Huft Moolla;" and, from information subsequently received, I learn that they had planned a combined attack upon our Camp the night we marched. Indeed, the explosion of their large Magazines gave them the first intimation of our departure, when they hastened after us in the expectation of being able to attack us on the line of march, and possibly create confusion and panic in the dark.

14. At day-break, the Persian Force, amounting to between 6 and 7,000 men, with some Guns, was discovered on our left rear (North-East of our line of march) in order of Battle.

15. Our Artillery and Cavalry at once moved rapidly to the attack, supported by two lines of Infantry, a third protecting the Baggage. The firing of the Artillery was most excellent and did great execution. The Cavalry Brigade twice charged with great gallantry and success. A Standard (of the Kaskai Regular Infantry Regiment) was captured by the Poona Horse; and the 3rd Light Cavalry charged a square and killed nearly the whole Regiment. Indeed, upon the Cavalry and Artillery fell the whole brunt of the action, as the enemy moved away too rapidly for the Infantry to overtake them. By 10 o'clock, the defeat of the Persians was complete. Two Guns were captured. The Gun ammunition, laden upon mules, fell into our hands, and at least 700 men lay dead upon the field. The number of wounded could not be ascertained, but it must have been very large. The remainder fled in a disorganised state, generally throwing away their arms, which strewed the field in vast numbers, and nothing but the paucity of our Cavalry prevented their total destruction and the capture of the remaining Guns.

16. The Troops bivouacked for the day close to the battle-field, and at night accomplished a march of 20 miles (by another route) over a country rendered almost impassable by the heavy rain, which fell incessantly. After a rest of six hours, the greater portion of the Infantry continued their march to Bushire, which they reached before midnight; thus performing another most arduous march of 44 miles under incessant rain, besides fighting and defeating the enemy during its progress within the short period of fifty hours. The Cavalry and Artillery reached Camp this morning.

17. The result is most satisfactory, and will, I trust, have a very beneficial effect upon our future operations.

18. The greatest praise is due to the Troops of all Arms for their steadiness and gallantry in the field, their extraordinary exertions on the march, and their cheerful endurance of fatigue and privation under circumstances of peculiar hardship, rendered doubly severe by the inclemency of the weather, to which they were exposed without shelter of any kind; and I cannot too strongly express the obligation I feel to all under my Command, for the almost incredible exertions they have undergone, and the gallantry they have displayed on this occasion.

19. To Major General Stalker and to Colonel Lugard my especial thanks are due.

20. To the Heads of the several Departments, as well as to every Officer belonging to those Departments, and to my personal Staff, (including Lieutenant Colonel Lord Dunkellin, who volunteered his services as Aide-de-Camp,) I am much indebted. From all I received every possible assistance, and although I do not now specify by name the departmental and personal Staff, and other Officers alluded to, I shall hereafter take an opportunity of bringing them individually to your Excellency's notice. Indeed, when all have behaved so nobly, it is difficult to specify individuals.

21. The rapid retreat of the enemy afforded but little opportunity for deeds of special gallantry. I have already alluded to the successful charges made by the 3rd Cavalry and Poona Horse under Captain Forbes and Lieutenant Colonel Tapp, and to the very efficient service performed by the Artillery under Lieutenant Colonel Trevelyan, the Brigadiers Commanding the Infantry Brigades,—Wilson, Stisted, and Hamer,—with the several Commanding Officers of Regiments, and indeed every Officer and Soldier of the Force earned my warmest approbation.

22. To the Medical Officers of the Forces I am under great obligation for their untiring exertions throughout these arduous operations.

23. I cannot conclude without alluding in strong terms to the valuable assistance I have received from Major Taylor, whose services were placed at my disposal by the Honorable C. A. Murray, C. B.

I have, &c.,

(Signed) J. OUTRAM, *Lieutenant General, Commanding Expeditionary Force.*

A.

RETURN of Killed and Wounded belonging to the Persian Field Force during the Action at Khushab, on February 8th 1857.

Rank.	Names.	Killed.	Wounded.	Nature of Wound.
	Divisional Staff.			
Lieutenant ..	Frankland ..	1	0	Gun shot wound in head.
	3rd Troop H. A.			
Gunner ..	James Kelly ..	0	1	Gun shot wound in left leg, dangerous.
„ ..	James Ryan ..	0	1	„ right leg „
Farrier ..	George Eagan ..	0	1	„ left fore-arm „
Horse-keeper ..	ewjee ..	0	1	„ right thigh, since dead.
„ ..	Sullowa ..	0	1	„ right leg, amputated.
„ ..	Kasseerow ..	0	1	Left leg very slightly grazed.
	1st Company 1st Battalion Artillery.			
Gunner ..	John Abbott ..	0	1	Right buttock grazed slightly.
Horse-keeper ..	uddo ..	1	0	Gun shot wound.
	4th Company 1st Battalion Artillery.			
Gunner ..	James Courtney ..	0	1	Right buttock grazed slightly.
Trumpeter ..	Joseph Manning .	0	1	Gun shot wound on face, dangerous.
	3rd Light Cavalry.			
Captain ..	J. Forbes ..	0	1	Ball through right thigh, severely.
Havildar .	Runjeet Sing ..	0	1	„ left lung, dangerous.
Trooper ..	Ram Sing ..	0	1	Sword cut on right foot, slightly.
„ ..	Ragonath Sing ..	0	1	Ball through left calf, severely.
„ ..	Ramdeen ..	0	1	Ball anterior to humerus of left arm, severely.
„ ..	Wazier Khan ..	0	1	all through fleshy part of right arm and left thigh.
„ ..	Shaik Yushun ..	0	1	„ right thigh, severely.
„ ..	Rowjee Jadow ..	0	1	„ left „ „
„ ..	Bujjoo Pursad ..	0	1	Contusion on left ankle, slightly.
„ ..	Mahomud Hussun Khan ..	0	1	Ball into arm, below elbow joint, dangerous.
„ ..	Shaik Khooda Bux ..	0	1	Ball through abdomen, since dead.
„ ..	Bindah Sing ..	1	0	Ball through chest.
„ ..	Nundah Khan ..	0	1	Ball on the head, slight.
„ ..	Seetul Sing ..	0	1	Ball wound in the hand, slight.
„ ..	Gindeen ..	0	1	Sword cut in hand, ditto.
„ ..	Sen Surrum Sing ..	0	1	Ball struck left side of chest, ditto.
	H. M.'s 64th Regiment.			
Captain ..	R. Mockler ..	0	1	Contusion of calf of right leg from a round shot.
Lieutenant ..	J. Greentree ..	0	1	Severely by a round shot, which caused loss of left foot.
Color Serjeant ..	W. Brady ..	0	1	Slight contusion.
Private ..	Thomas Montgomery ..	0	1	Slight abrasure in right axella from round shot.
„ ..	Frederick Reilly ..	0	1	Slightly, right side.
„ ..	John Shaw ..	0	1	„ chest.
„ ..	Wm. McCarty ..	0	1	Dangerously, fracture of right femur.
„ ..	Charles Murchin ..	0	1	Ditto ditto of right femur and wound of left knee.
„ ..	Alexander Fergusson ..	0	1	Mortally, thigh amputated, since dead.
„ .	Patrick Hagoty ..	0	0	Ditto compound fracture of both legs, since dead.
„ ..	Thomas Simmons ..	0	1	Dangerously, lacerated wound of both thighs.
„ ..	Mal. Doncaster ..	0	1	Slight contusion above right knee.
„ ..	John Prescot ..	0	1	Slight wound in scalp.

Rank.	Names.	Killed.	Wounded.	Nature of Wound.
	2nd European Regiment Light Infantry.			
Ensign	Woodwck	0	1	Gun shot left shin, slightly.
Private	Thomas Deveran	1	0	Gun shot.
,,	Thomas Gallaher	1	0	Ditto.
,,	Morgan Shield	0	1	Gun shot right side, dangerous, since dead.
,,	James Clarke	0	1	,, right shin, severely.
,,	Wm. Price	0	1	,, left leg, slightly.
,,	John Norwell	0	1	,, right thigh, ditto.
,,	James Teaque	0	1	,, right hand, ditto.
,,	James McArdele	0	1	,, right foot, dangerous, leg amputated.
,,	John McKay	0	1	,, left foot, severely.
,,	John Rhodenhurst	0	1	,, left leg, ditto.
,,	James Doulin	0	1	,, right thigh, slightly.
	Poona Irregular Horse.			
Duffadar	Mhee Nubbeer Bux	0	1	Severe gun shot wound in the loins, right inguinal region.
Subadar	Badoola Khan	1	0	Gun shot.
Bargier	Goolam Modheen Khan	1	0	Gun shot.
,,	Nooroolla Khan	1	0	Gun shot.
,,	Shaik Jewan	0	1	,, wound through thorax, since dead.
,,	Pailwan Sing	0	1	Slight gun shot wound through right deltoid muscle.
,,	Goolol Khan	0	1	Ditto of right arm.
Syce	Madoo	0	1	Round shot, requiring amputation of left leg.
Private	Jugganal Dachel	0	1	Severe gun shot wound through left fore-arm.
,,	Liximon Doobay	0	1	Gun shot wound above knee left.
,,	Aboo Sawunt	0	1	Severe contusion of the calf of right leg by spent ball.
	26th Regiment N. I.			
Assistant Surgeon	J. M. Barnett	0	1	Slightly spent musket ball right arm.
Havildar	Nainan Nais	0	1	Slight contusion of head.
Private	Doorjim	0	1	Ditto ditto.
Ditto	Bunds Koray	0	1	Severe wound of head from round shot.
Ditto	Bodoo Kulwar	0	1	Ditto gun shot wound of right shoulder and chest.
	2nd Belooch Battalion.			
Private	Shaik Mahomed	1	0	Round shot through left breast.
	Ordnance Department.			
Store Lascar	Burwajee Coobajee	0	1	Dangerously, gun shot wound, left arm.
Tent ditto	Lusman Balloo	0	1	Seriously, sword wound in face.
Store ditto	Baboo Nannoo	1	0	Gun shot wound in abdomen.

Total Killed ..... Europeans .. 3 Natives .. 7
„ Wounded.. „ .. 31 „ .. 31

Grand Total .. Killed .. 10
Wounded .. 62
— 72

Died of Wounds since the action, 3 Europeans and 3 Natives.

(Signed) M. STOVELL, *Supg. Surgeon,*
1st Division, P. E. F. Force.

(True Copy)
(Signed) EDWARD LUGARD,
Chief of the Staff.

B

RETURN of Ordnance captured on the Morning of the 8th Instant.

Bivouac "Kooshab," 8th February 1857.

Number.	Description.	Marks.	Vent.	Calibre or weight of Ball.	Length.	Bore.	Remarks.
1	Brass Gun	Persian Inscription ..	Good	9 Pounder..	6 Feet	4 2	Of Persian manufacture.
2	Ditto..... ..		Spiked	9 Pounder..	Ditto.....	4 2	

These Guns are in good travelling order, mounted on Travelling Field Carriages, each Limber, fitted with a Limber Box, to contain about 30 rounds of ammunition. One Gun was taken with three horses, harness, &c., complete.

The carriages are of block trail construction, the checks of one require to be re-placed.

Eighteen rounds of ammunition and some food were in the Limber Boxes

Besides the above, were 262 rounds of Gun ammunition, which I destroyed before leaving the Bivouac on Sunday evening. The mules, eight in number, which carried it, I have brought into Camp. I have 350 stand of arms, and I think treble that number must have been taken by Camp followers and others.

One Gun was spiked by our Horse Artillery, as they had to leave it when following on in pursuit. I have since removed the spike.

(Signed) B. K. FINNIMORE, *Captain,*
Field Commissary of Ordnance, P. F. F.

(True Copy)

(Signed) EDWARD LUGARD,
Chief of the Staff.

C.

RETURN of Ordnance Stores found in the Enemy's Entrenched Position at Burazjoon, on the 5th Instant.

Bivouac "Koostah," 8th February 1857.

No.	Description.	How disposed of.
*3,500	Gun Cartridge attached to 12, 6, 3 and 1½ Per. Shot	Cartridge broken, and exploded in the Mine on the 7th instant, shot scattered.
*6,00,000	Musketry Balled Cartridges	15,000 broken up, and balls brought on by Ordnance Department remainder destroyed by Mines on the 7th instant.
10	Casks of Flints (English)	Given to the Troops.
5,000	Fuzes	Exploded by the Mines on the 7th instant.
20	Quick Match, lbs.	Ditto ditto ditto.
400	Slow Match, yards	Ditto ditto ditto.
1,000	Port Fires	Ditto ditto ditto.
4,000	Tubes for priming	Ditto ditto ditto.
3	Trumpets	Given to the Troops.
1	Drum	Ditto ditto.
20	Tents	Given to the Troops; part were brought away, the remainder destroyed.
12	Wheels	Given to the Troops for fire-wood.
A large quantity in bags, exact amount not known.	Sulphur	Destroyed by the Mines on the 7th instant.
	Indigo	Ditto ditto ditto.
	Saltpetre	Ditto ditto ditto.
	Tar	Ditto ditto ditto.
	Charcoal	Given to the Troops for cooking.
	Rope	Destroyed by the Mines on the 7th instant.
	Drag Ropes	Ditto ditto ditto.
	Wood	Given to the Troops for cooking.
2,000	Large Shot	Scattered
1,000	Loose Shell	Burst and destroyed.
74	Pigs of Lead	Brought into Camp by Ordnance Department.*
7	Axle-trees	Ditto ditto ditto.
7	Brass Nave Boxes	Ditto ditto ditto.
10,000	Gunpowder	Exploded in the Mines on the 7th instant.
A large quantity of	Iron	Distributed among Batteries and Troops.
	Red Orpiment	Destroyed by the Mines on the 7th instant.

(Signed) B. K. FINNIMORE.
Field Commissary of Ordnance.

(True Copy)

(Signed) EDWARD LUGARD,
Chief of the Staff.

* Cartridge and Powder exploded in the Mines amount together to about 40,000 lbs.

D.

No. 12.

FIELD FORCE.

Deputy Commissary General's Office, Entrenched Camp Bushire, The 12th February 1857.

SIR, THE CHIEF OF THE STAFF.

I have the honor to report for the information of the Lieutenant General Commanding, that in obedience to the instructions received, I proceeded to the Town of Burazjoon on the morning of the 7th instant, and removed from the Persian Magazine the under-mentioned Commissariat Stores. I had not the means of weighing the Articles, but have no doubt that the quantities set down are substantially correct :—

			Since ascertained by actual weighing.
Wheat, Flour, ...	19,000 lbs.,	.....	Flour, lbs. 17,042
Rice,.....	2,000 „	....	Barley, „ 3,788
Barley, ...	2,000 „	.....	Wheat, „ 2,504
Wheat, ...	1,500 „	....	Rice, „ 2,907

The whole of the above have been brought on or issued on the march, with the exception of some rice, which was lost by the upsetting of the cart in which it was being conveyed.

I have the honor to be, &c,

(Signed) G. POPE, *Lieut.-Colonel,*
Deputy Commissary General.

(True Copy)

(Signed) EDWARD LUGARD,
Chief of the Staff.

E.

HEAD QUARTERS, PERSIAN EXPEDITIONARY FORCE,
ON BOARD "SEMIRAMIS,"
The 27th January 1857.

FIELD FORCE ORDERS.

1. Lieutenant General Outram, on assuming Command of the Expeditionary Force, has much gratification in promulgating the very just merited acknowledgments of the Governor General of India in Council of the great service achieved by Major General Stalker and the Troops under his Command in the capture of Bushire, and especially of the gallant conduct in the action at Bushire, which led to the surrender of the City.

The thanks and acknowledgments of the Governor in Council Bombay have already been communicated, and the Lieutenant General trusts those of our Gracious Queen will soon follow.

2. The Lieutenant General has great pleasure in announcing to the Troops at Bushire, that Major General Stalker will continue to Command them as now constituting the 1st Division of the Augmented Expeditionary Army, and he begs to thank that Officer for the praiseworthy zeal for the public interest which induced him to afford the Lieutenant General the aid of his valuable services, by retaining the Command of the Troops he has heretofore so ably led.

(Signed) EDWARD LUGARD,
Chief of the Staff.

(True Copy)

(Signed) EDWARD LUGARD.
Chief of the Staff.

(True Copies)

G. F. EDMONSTONE,
Secretary to the Government of India.

No. 401 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointments :—

CORPS OF GUIDES.

Captain H. Daly, 1st Bombay European Regiment Fusiliers, Commanding 1st Regiment of Cavalry Oude Irregular Force, to act as Commandant, *vice* Major Lumsden, proceeded on special duty.

Lieutenant Q. Battye, Commandant of Cavalry, to act as Second in Command, *vice* Lieutenant Godby, proceeded on leave.

Lieutenant T. G. Kennedy, Adjutant 6th Infantry Punjaub Irregular Force, to act as Commandant of Cavalry, *vice* Lieutenant Battye.

OUDE IRREGULAR FORCE.

1st Cavalry.

Captain Hamilton Forbes, of the 1st Regiment Light Cavalry, to act as Commandant, *vice* Captain Daly, appointed Acting Commandant of the Guides.

HYDRABAD CONTINGENT.

3rd Cavalry.

Lieutenant H. Clerk, Adjutant, to act as Second in Command, *vice* Lieutenant Murray, Acting Commandant 4th Cavalry, or until further orders.

Lieutenant H. J. E. Teed, to continue to act as Adjutant, *vice* Lieutenant Clerk, or until further orders.

No. 402 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment :—

Colonel Henry Goodwyn, of the Corps of Engineers, Chief Engineer D. P. W. Lower Provinces, to be Commandant of the Corps of Engineers, in succession to Colonel J. T. Boileau, retired from the service.

No. 403 *of* 1857.—Assistant Surgeon Henry William Robinson, B. A., of the Medical Department, is allowed leave of absence for three months, from the 20th January to the 20th April next, to visit Bombay, with permission to proceed thence to Europe on leave of absence on Sick Certificate, for eighteen months, under the new Regulations.

No. 404 *of* 1857.—In conformity with Government General Order No. 144 of 1852, the following Statement of Deposits made in the General Treasury, during the month of February 1857, on account of the Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the East India Company's Service, is published for general information; and it is hereby notified, that claims to the Estates in question, which shall not be preferred to the Sub-Treasurer by Executors and Administrators, before the conclusion of twelve months after the date of decease, cannot be attended to in this country, as the money, after that period, will be remitted to, and made payable by, the Hon'ble the Court of Directors only:

Statement of Deposits made at the General Treasury of Fort William, on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers and Soldiers of the East India Company's Service, in February 1857.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estate.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.	Remarks.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.			
												In Company's Rupees.	Equivalent in Sterling.		
			COMMISSIONED AND WARRANT OFFICERS.												
3rd	Augustus Chauncey	Lieutenant & Officiating Supdt. of Electric Telegraphs in India	39th Madras N. I.	....	10th July 1856	Intestate ..	112 0 1	..	112 0 1	..	..	..	..	..	Left a mother and brothers and sisters at Westbourne Terrace, London.
4th	William Graham ..	Captain ..	2nd Eur. Bengal Fusiliers	....	22nd November 1854	Ditto ..	22 2 5	..	22 2 5						
5th	Bannatyne William McLeod M. D. and C. B. ..	Superintending Surgeon ..	Sirhind Circle ..	....	3rd October 1856	Ditto .	400 0 0	..	400 0 0	.	..	..	..	.	Son, Captain H. C. B. McLeod, of Bengal Artillery.
6th	Napier Kincaid Johnston Mackenzie ..	Lieutenant ..	6th Light Cavalry ..	....	26th April 1856	.. .. ..	8 0 0	..	8 0 0						
10th	William Kirby Warner ..	Major ..	Horse Artilery ..	....	29th January 1856	Intestate ..	767 8 6	..	767 8 6	..	..	..	..	.	Left a widow and two children.
16th	John Malett ..	Ensign and Riding Master..	10th Light Cavalry ..	....	17th September 1856	Will ..	999 3 6	..	999 3 6	..	..	..	..	.	Legatee, daughter, Alice de Raffin Malett.
19th	John Nixon Sharp ..	Major ..	Engineers ..	....	17th August 1856	Ditto ..	1663 11 11	..	1663 11 11	..	..	..	..	.	Bequeathed to widow, Sophia Sharp, with reversion to children, William, Edward, and Sophia Sharp.
24th	Richard Wellesley Down ..	Ensign ..	7th N. I. ..	....	19th August 1856	Intestate ..	756 8 3	..	756 8 3	..	..	..	..	.	Father, J. Thornton Down, Esq., Mornington Lodge, North End, Fulham.
25th	Martin Petrie ..	Lieutenant ..	21st N. I. Comdt. 7th Inf. Oude Irregular Force ..	....	15th October 1856	Ditto ..	1869 8 2	..	1869 8 2	..	..	..	..	.	Widow, Jessie, Petrie Duppas Hill, Croyden Surrey.
26th	The Hon'ble Walter Hore Ruthven	Major ..	25th N. I. . ..	....	5th March 1856	Not known	327 1 9	..	327 1 9						
27th	Bannatyne William McLeod M. D. and C. B. ..	Superintending Surgeon ..	Sirhind Circle ..	....	3rd October 1856	Intestate ..	369 0 0	..	369 0 0	..	..	..	..	..	Son, Captain H. C. B. McLeod, of Bengal Artillery.
			NON-COMMISSIONED OFFICERS AND SOLDIERS.												
2nd	Lawrence Bryan ..	Gunner ..	2nd Tp 1st Brig. H. Arty .	5220	5th November 1856	Ditto ..	49 8 11	..	49 8 11	..	..	.	..	.	Brother, Patrick, (surname not given) Blessington, Wicklow, Ireland.
3rd	George Munro ..	Ditto ..	2nd Co. 4th Battn. Arty. ..	5205	14th August 1856	Will ..	1000 0 0	..	1000 0 0	..	..	..	..	.	Legatee, Mary Jane Potter, Lawrence Asylum.
,,	James Armstrong ..	Bombardier ..	Ditto ..	1997	8th October 1856	Intestate .	42 6 8	..	42 6 8	..	..	..	..	.	Sister, Eliza Armstrong, Grange Gorman, Dublin.
6th	Patrick Conner ..	Gunner ..	Ditto 5th Ditto .	7179	19th July 1856	Testate ..	11 0 0	..	11 0 0	..	..	..	..	.	Will in favor of mother, Catherine Connor Francis Street Cork, Ireland.
,,	John Wandless ..	Ditto ..	Ditto ..	7252	29th August 1856	Intestate ..	11 0 0	..	11 0 0	..	..	..	..	..	Next of kin, father, John Wandless, school master, Broomside near Durham, England.

6th	John Sibree	Gunner	2nd Co. 5th Battn. Arty.	992	19th July	1856	Intestate	11 0 0	..	11 0 0	..	..	..	..	Next of kin, son, John, aged 9 years, at the Lawrence Asylum; and daughter, Maria Frances, aged 12 years, under guardianship of conductor Hollman, Meerut.
18th	Richard Spencer	Riding Master	5th Light Cavalry	....	19th October	1856	Ditto	904 11 11	..	904 11 11	..	..	.	..	Left a widow, Mary Jane, and a son, Ernest Richard Spencer.
,,	John Ryan	Gunner	3rd Co. 6th Battn. Arty.	5568	18th August	1856	Ditto	10 5 8	..	10 5 8	..	..	..	..	Next of kin, not known.
,,	Daniel Byrne	Ditto	Ditto	7716	27th August	1856	Ditto	0 5 7	..	0 5 7	.	..	..	..	
,,	John Caless	Ditto	Ditto	4380	23rd August	1856	Ditto	4 7 1	..	4 7 1	..	..	..	..	
,,	William Cody	Ditto	Ditto	4383	1st September	1856	Ditto	9 14 1	..	9 14 1	..	..	..	..	
,,	Thomas McAughey	Corporal	Ditto	5802	2nd September	1856	Ditto	35 10 4	..	35 10 4	..	..	..	..	Mother, Elizabeth McAughey, Beladle, Antrim, Ireland.
,,	Michael Kelly	Gunner	Ditto	7645	2nd September	1856	Ditto	10 10 2	..	10 10 2	..	..	..	..	Father, Michael Kelly, Kelkee Clare, Ireland.
,,	David Logan	Bombardier	Ditto	3962	24th August	1856	Ditto	159 7 6	..	159 7 6	..	..	.	..	Sister, Mary Logan, Coleraine, Antrim, Ireland.
,,	James McCabe	Gunner	4th Co. 3rd Battn. Arty.	6886	4th October	1856	Ditto	18 2 5	..	18 2 5	..	..	..	..	Father, John McCabe, Kells Meath, Ireland.
,,	Thomas McGuire	Ditto	Ditto	6752	11th October	1856	Ditto	70 0 2	..	70 0 2	..	..	..	..	Daughter, Mary McGuire, Bangor Down, Ireland.
14th	Thomas Jones	Ditto	European Invalid Battn.	2488	14th January	1857	Ditto	49 12 0	..	49 12 0	..	..	..	..	Next of kin not known.
,,	Martin Holland	Ditto	Ditto	2318	14th January	1857	Ditto	21 9 0	..	21 9 0	..	..	..	..	
16th	John Delany	Rough Rider and Farrier Serjeant	No. 17 Light Field Battery, attached to 3rd Co. 1st Battn. Arty.	4630	24th September	1856	Will	680 7 1	..	680 7 1	..	..	..	..	Legatee, brother, William Delany, Derribo Kell near Clonmell Ireland.
17th	Jeremy Sheehan	Private	3rd Eur. Regiment	342	3rd December	1856	Intestate	33 13 11	..	33 13 11	..	..	..	..	Next of kin not known.
,,	William Nolan	Bombardier	4th Co. 4th Battn. Arty	2449	10th August	1856	Ditto	50 13 3	..	50 13 3	..	..	..	..	Brother, James Nolan, Sub-Conductor Delhi Magazine; other brothers and sisters living.
,,	Joseph Andrew	Gunner	3rd Co. 6th Battn. Arty	4508	29th August	1856	Ditto	0 8 9	..	0 8 9	..	..	..	..	Ditto, Thomas (surname not given) Manchester, England.
,,	Thomas Merrigan	Ditto	Ditto	6566	25th August	1856	Ditto	1 0 4	..	1 0 4	..	..	..	..	Ditto, John Merrigan, Stradbaly, Waterford, Ireland
,,	Michael McDonnell	Ditto	Ditto	5546	1st September	1856	Ditto	708 0 11	..	708 0 11	..	..	..	..	Sister, Jane Jestin Abbzleet, Queen's County, Ireland.
28th	John Murphy	Sergeant	Commissariat Dept.	....	25th April	1856	Will	115 2 7	..	115 2 7	..	..	..	..	Legatee, widow, Ann Murphy Has left also one child, Ellen Murphy.
,,	John Sharp	Corporal	3rd European Regiment	864	17th December	1856	Intestate	41 6 5	..	41 6 5	..	..	..	..	Father, William Sharp, Evestonport, Liverpool.
,,	Henry K. Hayward	Private	Ditto	1041	19th October	1856	Ditto	36 11 9	..	36 11 9	..	..	..	..	Mother, Mary Hayward, Churchill, Somerset.
,,	Patrick Whelan	Ditto	Ditto	715 / 492	16th December	1856	Ditto	79 3 7	..	79 3 7	..	..	..	..	Father, James Whelan, St. John's Limerick, Ireland.
,,	James Sheills	Gunner / Asst. Overseer	4th Co. 1st Battn Arty. / D. P. Works, Jullunder Dn.	....	4th September	1856	Ditto	290 1 10	..	290 1 10	..	..	..	..	Mother, Agnes Sheills, No 9, Rose Street, Edinburgh, also two brothers and two sisters.
							Company's Rupees	11752 2 6	..	11752 2 6					

FORT WILLIAM;
General Treasury,
The 28th February 1857.

J. I. HARVEY,

Sub-Treasurer.

R. J. H. BIRCH, *Colonel,*

Secy. to the Govt. of India, in the Mily. Dept.

BALANCES OF CASH IN THE GOVERNMENT AGENCY.

NOTICE is hereby given, that the under-mentioned Balances of Accounts in the Government Agency, if not claimed from the Accountant General to the Government of India by the parties entitled thereto, within six months from this date, will be carried to the credit of Government, as relinquished by the Proprietors.

Account Number.	Name.	Cash due to.	Account Number.	Name.	Cash due to.
482	Estate of Lady E. Blount ...	16 11 10	1551	J. E. S. Lillie ...	86 9 9
514	Lieut. H. Brimfield ...	26 14 9	2459	Miss A. Lloyd ...	181 13 8
517	Band Committee 50th Regt.	1 0 0	1526	M. Nisbett, Esq. ...	0 1 4
533	Trustees of Mrs. D. C. Beeby and Children ...	21 4 9	1557	Dr. J. Naismith .	14 2 1
548	A. C. Barwell, Esq. ...	183 9 9	1505	Colin Campbell and H. A. Boscawen, Trustees for Mrs. H. Vetch ...	336 9 0
565	George Becher, Esq. ...	0 4 0	1603	D. Virtue ..	27 13 0
573	Captain F. H. Blundell ...	179 12 10	1157	T. G. Parry, Esq. ...	162 1 2
580	Trustees for Colonel and Mrs. Burroughs ...	89 12 6	1195	Lieut. J. Wardlow ...	1146 4 7
538	F. S. Brown, C. Scott, and G. H. Smith ..	0 5 6	1232	Mrs. Eliza Walker ...	62 15 0
620	Mrs. Mary Steven, now Bell	1 3 11	1252	C. A. Wood ...	113 8 8
622	H. Borradaile, Esq. ...	49 2 8	1253	Captain H. Lowther and A. W. Wood, Trustees for Lieut. R. B. Wood ...	566 0 10
631	Captain J. R. Becher ...	0 1 0	1255	Mrs Mary Ann White ...	0 1 11
2856	Bebee Bunnoo ...	1197 0 0	1268	Captain J. P. Wade ...	0 2 0
721	Maha-rajah Duleep Sing, for Shahazada Sheodo Sing	0 4 0	1346	Major J. R. Wheelar ...	0 10 0
732	Lieut.-Col T. Dickinson ...	0 2 4	2702	A. C. Williams, Veterinary Surgeon ...	157 4 1
657	H. R. Duhan, Esq. ...	13 4 10	2935	P. A. Walker ...	6 1 2
2830	W. A. Dyer, Esq. ...	10 5 7	2947	Messrs. Watson and Co. ...	12 13 10
680	Jas. Dodd, Esq. ..	0 0 5	2948	J. Wood, Esq. ...	5 3 11
745	Engineer Retiring Fund ...	7 9 6	1666	H. Morris, Esq. ...	2 0 0
747	W. C. B. Eatwell ...	17 0 1	1687	Lieut. P. C. Marsden ...	43 1 10
751	Trustees for Mrs. A. Elphinston and Miss C. Hunter..	178 14 1	1689	Captain M. McDougall ...	18 11 2
770	E. S. Ellis, Esq. ...	19 3 10	1695	T. P. Martin, Esq. ...	41 5 3
	Lieut. A. P. C. Elliot ...	6 3 2	1700	C. McSween, Esq. ...	1093 12 9
8	James Alexander, Esq. ...	21 4 3	1711	W. McMullen, Esq. ...	3 1 11
15	Mr. John Andrews ...	83 2 9	1712	Captain F. C. Milner ...	72 12 9
55	Ammanee Amall ...	0 3 0	1608	P. Melville	0 8 3
2776	George Andrews ...	36 12 10	1727	Baboo Maudub Dutt ...	2 2 10
65	Cuthbert Finch, Esq. ...	130 7 1	1743	Mrs. E. A. Mitford and Miss E. H. Pattle ...	67 15 11
71	Mrs. S. S. Forde ...	69 14 5	1745	Moomtazmool Molk Moohsunoodowlah, Freedon Jah Mumsoor Ally Khan Bahadur, Nusrut Jung ...	415 8 2
90	Major S. W. Fenning ...	1 0 0	1748	A. M. McMinto ...	236 8 6
91	F. Furnell, Esq. ...	273 10 6	1772	R. Mayne, J. R. Dymock, and others ...	12 15 11
108	Captain G. A. Fisher ...	37 6 0	1810	Miss Eliza McLean ...	1 4 0
125	R. J. R. Campbell, C. S. Stowell, and Major C. Douglas ...	12 15 5	1735	Mrs. Catherine Naville Macqueen ...	49 13 1
133	Carbery, Gunner P. ...	100 9 4	2575	Captain F. J. Wroughton, President Mess Committee 8th N. I. ...	171 0 9
222	Lieut.-Col. A. Crawford ...	92 9 6	2576	Major R. McNair ...	13 4 9
232	Lieut. G. Cookes ...	602 14 2	2577	T. P. Martin ...	54 3 7
264	Captain J. Chilcott ...	1 0 0	2579	Mrs. C. Mungall ...	280 7 4
266	Trust for the Children of Mrs. Church ...	248 3 1	2580	Midnapore Executive Engineer	1 0 0
306	Miss C. Clive ...	0 1 0	2827	Maharajah Mahtab Chund...	215 14 0
307	H. B Clive, Esq. ...	0 1 0	2901	Ensign Pat Mara ..	7 15 1
313	J. F. M. Reid, Esq. ...	174 9 1	3010	Midnapore Collector account Ojoodharam Mytee ...	0 1 6
323	Major H. Rutherford ...	2 14 10	2492	Lieut. H. Grant ...	35 15 1
367	Ensign W. E. R. Roberts ...	9 2 4	1284	Hon'ble Sir W. Jeffcott ...	20 12 11
392	Trust for C. K. Robinson's Children ...	148 5 0	1308	Mrs. E. Gooderson ...	7 11 7
401	Major C. Rogers ..	65 9 0			
1480	E. E. Ludlow and Mrs. E. C. Houstin ...	99 10 0			
1540	Lall Sava ...	3 12 0			
1541	W. J. Long ...	4 12 11			
1546	Miss Sarah Larkins ...	16 9 8			

Account Number.	Name.	Cash due to.	Account Number.	Name.	Cash due to.
1294	Trust for Mrs. Lucas, late C. Boyd ...	0 12 2	2442	Serjeant R. Stewart ...	10 0 0
1014	Trust for Lucy Hickey ...	25 7 2	2458	P. Glynn ...	10 0 0
1017	Trust for Mary Hickey ...	36 6 8	3025	Color Serjeant E. McLernon	45 14 8
1061	Lieut.-Gen. C. W. Hamilton	23 15 3	2602	Capt. C. Douglas ...	26 15 9
1337	Trust for Mr. & Mrs. Hissing	81 2 8	784	William Brown, Esq. ...	0 6 0
1270	Lieut. D. H. Osborn ...	40 12 0	797	Mr. H. Burke ...	8 11 7
1289	Kadeen Hoosen Khan ...	1203 5 4	781	Mr. R. Bary ...	1 0 0
1276	H. S Oldfield ...	199 9 11	804	Mr. D. Bain ...	14 15 5
2054	Trustees for Mrs. C. E. Thornhill ...	195 4 0	811	Lieut. R. Y. B. Bush ...	7 9 10
			429	Dr. A. W. Crozier ...	16 15 5
2073	T. J. Turner, Esq. ...	10 0 0	432	Gunner J. Carroll ...	11 3 6
2091	Major E. Townsend ...	38 10 11	2753	Mrs. E. Cronin ...	34 1 5
2102	Trustees for Mr. & Mrs. Tod	82 4 7	1681	Lieut. E. H. Longmore ...	117 7 3
2108	Lieut.-Col. G. Twimlow ...	306 5 2	1682	G. Lewis, Esq. ...	25 6 9
2136	G. Trentler, Esq. ...	0 3 3		Mrs. T. S. Peter ...	0 3 6
2140	Capt. R. S. Tickell ...	145 12 5		Lieut. J. G. Phillips ...	22 0 1
1847	John Shepherd, Esq. ...	0 7 2	1464	Sarah Price ...	33 5 6
1868	Major J. A. Scott ...	15 4 0	1422	Private John Williams ..	3 8 11
1891	Brevet Major R. S. Simpson	1 0 0	1431	Mr. G. Walters ...	2 8 5
1915	Trustees for F. S. and D. D. Stewart ...	99 12 0	1435	Mrs. E. Wheelan ...	55 1 11
			1447	Lieut. T. P. Waterman ...	4 5 4
1955	Supdt. of Embankments, Account Security for Prosuttum Buttachargee Derogah	8 9 7	2958	R. Wilson ...	484 10 6
			1826	Major A. McDougall ..	17 8 5
			2589	J. McCartly ...	8 4 8
1965	Lieut.-Gen. H. S. Scott ...	319 6 6	2737	Mr. T. H. Jewett ...	17 11 2
2000	St. John (Dr. Charles), M. D.	435 8 1	2458	Jas. Kutlet ...	0 0 8
2006	Estate of Mrs. Ann Stopford	0 1 0	2148	A. F. Smith ...	21 9 9
1993	R. M. Scott, Esq. ...	10 0 0	2178	M. Tweedie ...	7 10 7
1982	M. Smith, Esq. ...	301 3 2	2184	W. Turner ...	1 0 0

FORT WILLIAM;
Accountant General's Office,
The 3rd March 1857.

E. DRUMMOND,
Accountant General to the Government of India.

Notice.

THE General Treasury will be closed on Tuesday, the 24th Instant, on account of the Hindoo Holiday Baroonee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 13th March 1857.

Wanted.

By the Howrah Ferry Fund Committee,—an Overseer. He must thoroughly understand the various descriptions of work under the control of the Ferry Fund Committee, including Surveying and the preparation of Plans and Estimates.

Salary—(100) one hundred Rupees, and (20) twenty Rupees travelling allowance,—in all (120) one hundred and twenty Rupees monthly.

This salary will be increased at the commencement of the next year on certain conditions, which, with all other particulars, may be learnt from the undersigned on any day of the current month.

No applications received after the 31st March.

J. J. GREY,
Offg. Magistrate and Secy. to H. F. F. C.

HOWRAH,
The 10th March 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, half a Second (½*s.*). before Mean Noon.

FORT WILLIAM,
The 7th March 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One and three quarters Seconds (1¾*s.*) after Mean Noon.

ORFEUR CAVENAGH, *Lieut.-Col.*,
Town Major.

FORT WILLIAM,
The 9th March 1857.

Notice.

REQUIRED for the District Roads under the Ferry Fund Committee of Patna, a Superintendent well versed in English and Urdu, and having an intimate knowledge of drawing out Plans, Estimates, use of the Levelling Staff, &c. &c. The Candidates should send in their Applications, with any Testimonials they have of their qualification and character, to the undersigned. The monthly pay of the appointment is fixed at Rupees 150.

J. M. LOWIS,
Offg. Magistrate, and Ex-Officio Secretary, Ferry Fund Committee.

PATNA MAGISTRACY,
The 24th February 1857.

Calcutta Court of Small Causes.

Notice

THE Court-House being about to undergo repairs, the Court will be closed on Friday and Saturday, the 13th and 14th Instant, for the purpose of removal to the Bonded Ware-house Offices, where it will be re-opened for business on Monday, the 16th Instant.

By the Court,

OGILVY TEMPLE,
Clerk of the Court.

The 2nd March 1857.

TO BE peremptorily sold, pursuant to an Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Charlotte Smalley is Plaintiff and Hurrochunder Lahorry is Defendant, on, and bearing date the Twenty-fifth day of May, One thousand Eight hundred and fifty-five, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office, in the Court House, in the Town of Calcutta, on Saturday, the fourteenth day of March next, at the hour of Twelve o'clock at noon, the right, title, and interest of the said Hurrochunder Lahorry, of, and in the following properties, *viz.*:

Lot No. 1.—All that the undivided nine annas, seventeen gundahs, one cowrie, and one krantee, or other the share of Hurrochunder Lahorry, of, and in the Zemindary called Kismut Chitlah Etcetera, situate in the Pergunnah Magoorah Etcetera, and Zillah of the Twenty-four Pergunnahs, and numbered fourteen in the Register of Estates in the Collectorate of the said Zillah, which share is subject and chargeable with the payment of the like nine annas, seventeen gundahs, one cowrie, and one krantee share of the sum of Company's Rupees nine thousand and seventy-two, being the entire sudder jummah or Government Revenue chargeable on the said Estate; that is, Company's Rupees five thousand and fifty-seven and two gundahs chargeable on the said nine annas, seventeen gundahs, one cowrie, and one krantee, including the Public Assessment on five resumed Mehals in the said First Lot included, containing, in Pergunnah Magoorah, Turruff Burghachee, fourteen Mouzahs or Kismuts, *viz.* Burghachee, Mageraut, Bamongachee, Juggutdispore, Dhanookollah, Jonadhunpore, Ramnauthpore, Hurrydebpore, Bhadagoviudpore, Joynogare, Earnogore, Malloopore, Buddinauthporo, and Kheupookoorea. In Pergunnah Magoorah, Turruff Nadhabanga, seven Mouzahs or Kismuts, *viz.* Nij Nadhabanga, Seedooree and Dosutteena Jamalee, Poolee, Chuckhinda, and Nooabad. In Pergunnah Magoorah, in Turruff Kamdauree, ten Mouzahs or Kismuts, *vi*. Nij Kamdauree, Booraul, Rajarampore, Kasherepore, Issurpore, Sreepore, Loobudbor, Momaruckpore, Manickgunge, and Ramjeebunpore. In Pergunnah Magoorah, Turruff Kamdebpore, five Mouzahs or Kismuts, *viz.* Nij Kamdebpore, Akoolsa, Kakramooree, Bhugakhallee, and Satgachee. In Pergunnah Kaspore, four Mouzahs or Kismuts, *viz.* Hauspooker, Chandpore *alias* Kassa Bagan, Boreesa, and Bogpota. In Pergunnah Magoorah, six Mouzahs or Kismuts, *viz.* Bhassa, Chuck Buggy, Ramnughur, Chuck Ramnaghur, Betbarrea, and Chitlah. In Pergunnah Hateaghur, one Mouzah, *viz.* Govindpore and in Pergunnah Calcutta, three Mouzahs or Kismuts, *viz.* Paulparrah, Jangrah, and Bhandra.

Lot No. 2.—All that Indigo Factory and set of works for the manufacture of Indigo, called and known by the name of Burraul Factory, situate in the Mouzah of Burraul, in the Pergunnah of Magoorah, in the Zillah of the Twenty-four Pergunnahs; consisting of five pair of pucka vats, one pucka drying-room, one pucka pressing-room, and a small pucka dwelling House, containing three rooms with iron and copper boilers, &c., and other utensils, standing on seventy biggahs of land or thereabouts, with a tank thereon, formerly had a cultivation of One thousand biggahs, partly Nij and partly Ryutty, for the lands on which the Indigo Factory is built, and also for the Nejabad lands thereto belonging; an annual sum of Company's Rupees two hundred and forty-one, eight annas is paid to zemindar or proprietor of Lot No. 1.

Lot No. 3—All the enterity of all that other Talook called Mouzah Khristollah, situate in the Pergunnah Magoorah, in the said Zillah of the Twenty-four Pergunnahs, and numbered One thousand and sixty-six in the Register of Estates of the said Collectorate, containing Mouzahs Khristollah and Chuckarrah, subject to the payment of Government Revenue of Company's Rupees two hundred and sixty-one, ten annas and two pie.

Particulars and Conditions of Sale may be had at the Master's Office, Supreme Court, or of Mr. Henry Swinhoe, 1, Esplanade Row.

W. MACPHERSON,
Master.

H. SWINHOE, *Attorney.*

CALCUTTA SUPREME COURT;
Master's Office,
The 13th February 1857

TO BE peremptorily sold, pursuant to a decree of the Supreme Court of Judicature at Fort William in Bengal, bearing date the 8th day of February, one thousand eight hundred and fifty-five, made in a certain Cause, wherein Aushootosh Day and the said Aushootosh Day and Sreemutty Nemoymonee Dossee and Sreemutty Satoomoney Dossee, Executor and Executrixes of the last Will and Testament of Promothonauth Day, deceased, are Complainants, and Bamondoss Mookerjee, Dwarkanauth Mullick, Rakhaldoss Mullick, and Woomeschunder Paul Chowdry are Defendants, with the approbation of the Master of the said Court, at his Office in the Court House, on the fourteenth day of March next, at 12 o'Clock in the noon, the following property, that is to say:—

Lot No. 1.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, including the lane or the piece of land on the South side thereof, between this lot and the lot No. 2, hereinafter mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, Lot No. 2, aforesaid; and on the North by the house and premises of Mr. Arratoon Caloos.

Lot No. 2.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a go-

down to the East thereof, and the piece or parcel of land whereon the same is erected and built, including the lane or piece of land between the dwelling-house and the godown, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and b unded as follows, (that is to say), on the East by the house and premises of the said Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises, lot No. 3, hereinafter mentioned; and on the North by the house and premises and land, lot No. 1, hereinbefore mentioned. The purchaser of this lot, No. 2, will have a right of way over the lane or piece of land to the South of this lot and separating it from the dwelling-house comprised in lot No. 3, aforesaid.

Lot No. 3.—All that messuage, tenement, or dwelling-house and the piece or parcel of land whereon the same is erected and built, together with a godown to the East thereof, and the piece or parcel of land whereon the same is erected, including the lane or piece of land between the messuage and the said godown, and also including the lane or the piece of land between this lot and lot No. 2, hereinbefore mentioned, situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. J. C. Sarkies; on the West by the public road called Clive Street; on the South by the land and premises of Rammohun Mullick; and on the North by the house and premises, lot No. 2, aforesaid. This lot, No. 3, will be subject to a right of way for the purchasers of lots No. 2 and No. 4 over the lane or piece of land to the North of the dwelling-house comprised in this lot and separating the same from lot No. 2.

Lot No. 4.—All that piece or parcel of land situate, lying, and being in Clive Street, in the Town of Calcutta, and butted and bounded as follows, (that is to say), on the East by the house and premises of Mr. M. S. Owen; on the West partly by the lot No. 3, hereinbefore mentioned, and partly by the land and premises of Rammohun Mullick; on the South by the land and premises of Mr. P. J. Sarkies; and on the North partly by the lot No. 3, aforesaid. The purchaser of this lot if not the owner of the property on the East, South, or West side thereof, will have a right of way over the lane or piece of land belonging to lot No. 3, and running to the North and East of the dwelling-house comprised therein.

An outline Plan of the above lots may be inspected by intending purchasers at the Master's Office.

Lot No. 5.—All that messuage, tenement, or dwelling-house and the piece or parcel of land thereunto belonging, containing two cottahs and two chittacks, be the same a little more or less, situate, lying, and being in Hautkholah, in Calcutta, aforesaid, and butted and bounded in manner following, (that is to say), on the East by the house and premises of Berassore Nundy; on the West by the temple of Sree Sree Sedassory Thacoorany, belonging to Rajah Sibkisto Bahadoor; on the South by a lane leading to the Nauth's Bagaun; and on the North by the house and premises of Ramchunder Day.

Lot No. 6.—All that zemindary or talook called Chuklah Dhooliahpore and Dhee Kistopore, situate, lying, and being in the zillah of Nuddea, in the province of Bengal, the annual Government Revenue or sudder jumma whereof is Company's Rupees six thousand seven hundred and sixty-one, fifteen annas and one pie.

Lot No. 7.—All that zemindary or talook called Turruff Moonsufpore, situate, lying, and being in the zillah of Nuddea aforesaid, the annual Revenue or sudder jumma whereof payable to Government is Company's Rupees six thousand two hundred and sixty-four.

Lot No. 8.—All that zemindary or talook called Dhee Rajahpore, situate in the said zillah of Nuddea, the annual Government Revenue or sudder jumma whereof is Company's Rupees three thousand seven hundred and thirty-three, four annas and three pie.

Further particulars and conditions of sale may be had at the Master's Office, Supreme Court, or of Mr. Swinhoe, Attorney for the Complainants.

W. MACPHERSON,
Master.

P. J. PAUL, *Attorney.*

CALCUTTA SUPREME COURT;
Master's Office,
The 17th day of February 1857.

Sheriff's Office, the 4th March 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature, at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the Thirtieth day of March Instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

সরিফ আফিস ৪ মার্চ ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ২০ মার্চ ১৮৫৭ সাল সোমবার দুই প্রহরের সময় কলিকাতার ফোর্টউইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোর্ট উইলএমের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেল্‌টী অর্থাৎ মহ সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান যতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘন্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,
Sheriff.

Court for the Relief of Insolvent Debtors at Calcutta.

In the Matter of Aga Hossain Ally Ispahany, of Hurringbarree Lane, in Calcutta, lately carrying on trade and business as Merchant and Agent, an Insolvent. } On Saturday, the 7th day of March instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 6th day of June next, and that the said Insolvent should then attend to be examined by the said Court.

Gillanders, *Attorney.*

In the matter of Avetick Galstin, carrying on business at Pollock Street, in Calcutta, as Merchant and Agent, under the respective names and firms of A. Galstin, A. Galstin, and Galstin and Co., an Insolvent. } On Saturday, the 7th day of March instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 6th day of June next, and that the said Insolvent should then attend to be examined by the said Court.

Shircore, *Attorney.*

Chief Clerk's Office, 9th March 1857.

In the matter of Albert William Pinson, formerly a Lieutenant in the First Madras Native Infantry, and afterwards a Section Writer in the Foreign Department, and now an Assistant in the Military Department, an Insolvent. } Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Friday, the 20th day of March Instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, "desirous of opposing such application, must "appear before the said Court at the time and "place aforesaid.*"

Downing, *Attorney.*

Chief Clerk's Office, 13th March 1857.

Calcutta Overland Price Current.

MR. H. H. HILLS is authorised to sign all Bills and to receive all Subscriptions for the above Publication.

GEORGE ACKLAND.

4, *Hare Street,*
4th March 1857.

Notice.

THE INTEREST AND RESPONSIBILITY of Baboo Ramdhone Ghose in our Firm, ceased on the 1st instant, and Baboo Charoo Chunder Ghose has been admitted as a Partner.

AUSHUTOS DAY AND CO.

Calcutta, 7th March 1857.

Notice.

MR. CHARLES S. LERESCHE was admitted a Partner in our Firm on the 1st of May last.

POTTER & CO.

Calcutta, 4th March 1857.

Missing.

A Loan Acknowledgment, dated 22nd January 1857, No. 45, for Co.'s Rs. 24,500, in the name of Colonel J. Lang. Application is about to be made to Government for the issue of a duplicate thereof. A reward will be given for information which may lead to its recovery. Apply to the Printer.

Notice.

THE Acts and Published Papers of the Legislative Council are sold at the Military Orphan Press.

LOST.—An unindorsed Bank of Bengal Sola Bill, No. 679, dated 24th December 1856, for Company's Rupees 10,000, payable to me or order, payment of which has been stopped at the Bank. Whoever will bring the same at No. 8, Lyon's Range, will be rewarded by Ramdone Ghose.

LOST OR STOLEN.—Second-Half of a Bank of Bengal Note, No. 31337, for Company's Rupees 25, the payment of which has been stopped at the Bank.

Statement of the Affairs of the Bank of Bengal for the Week ending 11th March 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital	1,07,00,000	0	0	Government Securities	17,23,874	13	10
Reserve Fund	4,02,166	15	7	Dues from Government	4,53,218	11	5
Current Accounts	56,97,860	2	3	Mint Certificates, Undue	2,66,494	2	9
Cash Credits Undrawn	12,15,646	13	2	Cash	86,69,135	12	10
Other Claims	1,12,401	6	9	Loans on Deposit of Securities ...	1,56,78,063	14	1
Bank Notes and Post Bills	1,54,58,520	7	3	Accounts of Credit on ditto	26,17,052	2	8
				Government Bills Discounted	37,38,402	5	5
				Mercantile Bills ditto	8,60,628	7	8
				Dead Stock	1,79,695	6	4
Co.'s Rs.....	3,35,66,595	13	0	Co.'s Rs....	3,35,66,595	13	0

Published by order of the Directors,

J. B. PLUMB.
Secretary and Treasurer.

H. I. LEE.
For Accountant.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charge

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

The London and Eastern Banking Corporation.

INCORPORATED BY ROYAL CHARTER.

Exchange on London.

		s.	d.	
At 6 months' sight	...	2	1⅞	per Rs
At 3 „ „	...	2	1⅞	„
At 2 „ „	...	2	1¼	„
At 1 „ „	...	2	1⅛	„
At sight	...	2	1	„
On Scotland, at 1 month's sight		2	1	„
On ditto, at sight		2	0⅞	„

The Corporation receive for safe custody Government or other Securities, realize and remit Dividends, Interests, and Proceeds of Sale, and grant Drafts on Bombay, Simla, Agra, Delhi, and Lucknow.

Interest Deposit Rules.

Interest is allowed on sums deposited with the Corporation as follows; *viz.*:—

For 12 months certain, and subject to two months' notice of withdrawal (open to Shareholders only)...	7 *per Cent. per Anm.*
For 6 months certain, and 45 days' notice of withdrawal ...	6 *per Cent. per Anm.*
For 3 months certain, and 30 days' notice of withdrawal ...	5 *per Cent. per Anm.*
On Home Remittance Deposits payable on demand by Bills on London ...	5 *per Cent. per Anm.*
On Floating Deposits withdrawable on demand ...	2 *per Cent. per Anm.*

Interest is credited to Deposit Accounts half-yearly.

No Interest is allowed on Deposits under 500 Rupees.

No Cheques cashed nor money received under 50 Rupees.

Commission.

On Purchase or Sale of Government or other Securities ...	*One-Quarter per Cent.*
On Collection of Foreign Bills, &c. ...	*One-Half per Cent.*
On realizing Interest or Dividends ...	*One-Quarter per Cent.*

If the Funds realized on account of Constituents are remitted in Bills of the Corporation, no Commission will be charged.

Hours of business from 10 *to* 3 *o'clock, except on Saturdays, when the Bank closes at* 1 *p. m.*

J. MACKELLAR,

Manager.

LONDON & EASTERN BANKING CORPORATION,
1*st January* 1857.

Post Office Notifications.

No. 2077.

Overland Mail.

The Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, Aden, Penang, Singapore and Hongkong per P. and O. Co.'s Steamer "*Ava*," will be closed at this Office on Saturday, the 21st Instant.

1*st*.—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd*.—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd*.—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th*.—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th*.—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*.—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th*.—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th*.—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th*.—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th*.—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th*.—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th*.—Only one paper can be sent in one cover.

T. Garrett,

Offg. Deputy Post-master General.

Fort William;
General Post Office,
The 13th March 1857.

No. 3918.

Notice.

The Public are hereby informed, that Parcels, Pamphlets, and Books posted for despatch by Dâk Banghy on the 22nd and 23rd of December last for Stations on the North East line, have been plundered by Dacoits on the 23rd December last, between Barraset and Amdanga. The Magistrate of Barraset having recovered a portion of the plundered Dâk and transmitted them to this Office, all parties concerned will be good enough to send to the Post Office written Statements of their articles.

The above information is required for the Magistrate to assist the investigation and to admit of the parties receiving the portion of the articles which have been recovered.

T. Garrett,

Offg. Deputy Post-master General.

Calcutta;
General Post Office,
The 13th March 1857.

No. 3929.

Mail Steamer to Australia.

With reference to the Postal Notice of the 13th Ultimo regarding a monthly Mail between India and Australia by Steam Packets *viâ* Galle, the Public are informed that all Letters and Papers for the above Colony on which Steam postage is prepaid will be despatched from the Calcutta General Post Office to Galle to await the arrival of the Mail Steamer from Suez to Australia.

Letters and Papers which may be posted for Australia insufficiently stamped will be sent to their destination by sailing vessel as heretofore.

There being no special Steamer from the Presidency Towns to meet the Mail Contract Steamers at Galle to and from Australia and Suez, the Mail Packets will be conveyed by the Mail Contract Steamers thrice each month, with the Mails Overland and *viâ* the Cape, and the Public are requested to post their letters and papers accordingly.

The Mail Steamer will leave Galle to Australia on the 14th of every month till further notice.

Letters posted in India for conveyance by the Contract Packet, must be pre-paid at the following rates, which include Inland Postage, viz. :—

	Rs.	As.	P.
Not exceeding ½ Ounce	0	4	0
Exceeding ½ Ounce and not exceeding 1 Ounce	0	8	0

And so on, adding 8 Annas for every Ounce or fraction of an Ounce.

On Newspapers posted in India for the same conveyance, One Penny or Nine Pie must be pre-paid in Cash in addition to the usual Inland Postage, when despatched from a Mofussil Post Office or by an After Packet.

Calcutta ;
General Post Office,
The 13th March 1857.

T. Garrett,
Officiating Deputy Post-master General.

Packets for the reception of Letters by the following Ships are open at this Office :—

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Steamer Scotland ...	Jardine Skinner and Co.	15th March 1857...	London ..	Madras, Ceylon, Mauritius, Cape, St. Helena, & Ascension.	
Steamer Cape of Good Hope ...	Mackinnon Mackenzie and Co. ..	21st ditto ..	Rangoon & Moulmein .	Akyab.	
Steamer Ava ...	P. & O. S. N. Company.	23rd ditto ..	Suez ..	Madras, Ceylon & Aden.	
Steamer Lightning...	Apcar and Co. ..	After the Opium Sale ...	Penang Singapore and China.		
Steamer Fiery Cross	Jardine Skinner and Co.	Ditto ..	Ditto.		

T. Garrett,
Offg. Deputy Post-master General.

Calcutta ;
General Post Office,
The 13th March 1857.

CALCUTTA :—Printed and Published by John Gray, *at the* "Calcutta Gazette" Office, *No. 54, Council-House Street, for the Government Contractors,* Samuel Smith and Co., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, MARCH 14, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee who are to report thereon after the 11th of May next :—

A Bill for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

Preamble.

WHEREAS it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the general Regulations of the Bengal Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Calcutta shall possess the appellate and other Criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following :—

COURTS OF SESSION ;
COURTS OF THE MAGISTRATES ;
SUBORDINATE COURTS ; namely—

Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor General in Council shall from time to time pass.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

Ministerial officers

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

No person excepted from jurisdiction by reason of place of birth or of descent.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1*st*. Offences entered in Schedule A. of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II, whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorized as such officer, to investigate or report on any matter of law or fact;

Every head jailer;

Every darogha of police.

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Magistrates, their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A. of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts, their jurisdiction as to offences.

13. In cases tried by the Courts of Session in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Magistrates, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, first class, their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, second class, their penal jurisdiction.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Clauses 8 and 9 Chapter III of the Penal Code, in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorized to hold the preliminary inquiry into cases triable by the Session Courts, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

Subordinate Criminal Courts may be empowered to prepare cases for trial before the Session Court.

CHAPTER III.

PRELIMINARY RULES.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Complainants and witnesses to be examined without oath, affirmation, or warning.

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

No person excepted from Criminal Procedure by reason of place of birth or of descent.

CHAPTER IV.

OBTAINING A SUMMONS OR WARRANT.

1. Where an offence has been committed, or is suspected to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of preliminary inquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Summons.

3. The proceeding by arrest may be either—

Arrest.

(1.)—By warrant;
(2.)—Or by a private person without warrant;
(3.)—Or by an officer without warrant.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

Complaint.

5. Every complaint made before a magistrate or darogha of police, in order to the issuing of a summons or a warrant against a person accused of any offence, either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the magistrate or darogha of police issuing the summons or warrant.

To be reduced into writing and signed.

6. Upon such complaint duly made before a magistrate, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other magistrate or Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Magistrate, how to proceed on complaint.

7. Upon such complaint duly made before a darogha of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such darogha there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

Darogha of police, how to proceed on complaint.

8. Every summons issued by a magistrate or darogha of police to a person so accused shall be in writing, under the hand and seal of the magistrate or darogha of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a darogha of police, to appear before such darogha at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons, what it is to contain, and how to be directed.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Summons how to be served.

10. A magistrate or darogha of police may, notwithstanding such summons either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

Notwithstanding summons, warrant may issue in certain cases.

11. A magistrate of one district or darogha of one division may grant a warrant for the apprehension of a suspected offender within that district or division, as the

Warrant when grantable for an offence committed beyond local jurisdiction.

case may be, in respect of an offence of which the law takes cognizance, committed in a different district or division, or on the high seas, or in a foreign country.

Where an offence may be investigated and tried in one of two or more jurisdictions.

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which have been done, or by reason of any thing or things which have been done and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether within the same Presidency or under the same Lieutenant-Governor or not, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. Where any offence shall be committed on any person, or on or in respect of any property, in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be inquired of and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be inquired of and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

Receiving, &c. stolen property.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Unlawfully receiving property.

18. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or converted such property, may be prosecuted and punished for any offence committed thereby.

Escape from lawful custody under sentence.

19. Any offender who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district where he shall be apprehended and re-taken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is mentioned, the term "inquired of" shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial; unless in any such case there be something in the subject or context repugnant thereto.

What is a district, and what a division.

23. The local jurisdiction of the magistrate of a zillah or district shall for the purposes of this Act be deemed a district; and the local jurisdiction of a moonsiff or darogha of police

be deemed a division; provided that nothing herein contained shall be held as authorizing a police-officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act.

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a darogha or nazir.

5. A warrant directed to a darogha of police or to a nazir may be executed by any officer subordinate to such darogha or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place be within the same Presidency, or under the same Lieutenant-Governor or not, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII Article 7 of Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Darogha how to proceed in such cases.

13. If the warrant under Chapter IV Article 11 shall have been granted by a darogha, the darogha shall send the person arrested to the magistrate, to whom such darogha is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

division of the district in which the division of the darogha who granted the warrant is comprised; in such case the darogha who granted the warrant shall send the person arrested to the darogha of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant, how to be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

No unnecessary restraint.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavor to arrest.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duty made, he cannot otherwise obtain admittance.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open a *zenanah* or female apartment.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Party arrested to be brought immediately to the authority mentioned in the warrant.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

No threat, promise, or caution, as to disclosure by party arrested.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

but shall, when necessary, apprize him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence for which a warrant may issue on complaint is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. A police officer, or other person, may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or darogha of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

Obstruction of a police officer in his duty.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the police division.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.

Arrest for an offence committed in the presence of a magistrate.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

Person arresting may re-take on escape, and deal with the party arrested as on original taking.

1. If a person lawfully arrested on a criminal information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to re-take any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the police darogha within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a darogha may, in the event of the darogha not being able to proceed in person, be executed by any officer subordinate to such darogha, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

When a magistrate may grant a search warrant out of his jurisdiction.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

5. Whenever a darogha shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

Search warrant when grantable by a darogha.

6. The darogha shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

How to be executed.

7. A darogha may require the darogha of another division, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

When a darogha may require a darogha of another division to issue a search warrant.

8. The darogha, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

Representations regarding anything for which search is to be made to be sent to magistrate.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

When the search is to be made.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of a zenanah or female apartment.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Property, &c., to be sent to the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE.

1. A darogha of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences into which the police officers may not inquire without special authority.

Offences under Chapter IX; provided that it shall be competent to a darogha to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a darogha to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the darogha may issue his warrant.

shall be lawful for the darogha to issue his warrant to apprehend such person, and to cause him to be brought before such darogha.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such darogha before whom such a complaint is made, instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such darogha.

When darogha shall issue summons.

4. Upon a complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inquire, and which is punishable with imprisonment for a period not exceeding six months, the darogha shall issue his summons to such person, requiring him to appear before such darogha.

When the darogha may stay issue of process.

5. In the event of its appearing to the darogha, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended. On the receipt of the darogha's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the darogha to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned

6. Upon the issue of process for causing the attendance of the accused, the darogha shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Darogha may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a darogha from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the darogha or other police officer to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other daroghas, whether subject to the same magistrate as himself or to the magistrate of any other district, whether such place be within the same Presidency or under the same Lieutenant-Governor or not.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the darogha, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a darogha or other police officer to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The darogha, or other police officer, shall complete the inquiry with as little delay as possible, and if the darogha himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the darogha, who shall then proceed as if he had made the inquiry himself.

Accused not to be detained by the police beyond 48 hours, without special authority.

12. Provided that it shall not be lawful for the darogha or other police officer to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a darogha or other police officer, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The darogha shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Darogha how to proceed in cases of deficient evidence.

13. If it shall appear to the darogha that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

Proceedings of the darogha, of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the darogha shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The darogha shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A. as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

darogha shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the darogha may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

Police to report all apprehensions.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

Bail not to be excessive. Terms of security.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizance to appear before the magistrate.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

Witnesses not to be subjected to restraint.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the darogha to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

21. The powers to be exercised by the darogha under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

By whom the powers of the darogha may be exercised in his absence or illness.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Service of process issued by the police.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Penalty for taking unauthorized cognizance of offences.

Magistrate may direct investigation at his discretion.

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the darogha shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

How darogha is to proceed in regard to cases triable by the Subordinate Criminal Courts.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

Contempt of lawful authority under Chapter X of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and

Punishment may be remitted on submission of the offender.

provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

Advocate General may file criminal charges.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

To follow the rules relating to charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

Prosecutions for certain offences not to be instituted but under authority of Government or of a duly empowered officer.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution for certain offences, under Chap. X of the Penal Code not to be instituted but with the sanction of the public servants concerned.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

Mode of proceeding in cases mentioned in the two last preceding Articles.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Magistrate may issue his warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article I. of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

May dismiss the complaint.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with the personal attendance of the accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usally resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

To be in the presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

19. The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Examination to be admitted as evidence on the attestation of the magistrate

No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Discretionary with the magistrate to take evidence for the defence.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

When Sudder Court or Session Court may direct the commitment of a person to whom a pardon may have been tendered.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

When Sudder Court or Session Court may direct a tender of pardon.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the magistrate to tender a pardon to one or more persons supposed

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

Sudder Court may revise proceedings when a pardon may have been tendered.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

Bail not to be taken for certain offences if proof of guilt.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him ; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

When may be taken.

When bail shall be taken.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

Recognizance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

Bail may be taken any time before conviction.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court ; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment, how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known ; but if it be not known, then a description of his person, stating the refusal to tell his name ; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol ; and if he be not, with his deputy ; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

How the offence is to be described.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

Absence of General Exceptions under the Penal Code to be assumed.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

Clause of the Penal Code containing an exception, not a General Exception.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

Heads of charge.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect:

Forms of Charge.

(a) I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the Charge:

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code, (*c*) and within the cognizance of the [*style of the Court*].

On Clause 1 Chapter VI.

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate.*]

Where the magistrate tries the case, there must be substituted for *(c)*:
within my cognizance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*.

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

On Clause 4 Chap. VI applied to Clauses 3 Chap VI and 28 Chap XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the [*style of the Court.*]

On Clause 1 Chap. IX.

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*]

On Clause 10 Chap. XVI.

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*]

On Clause 14 Chap. XVII.

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

On Clause 81 Chap. XVII applied to Clauses 2 and 80 of the same Chapter.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

Two or more offences punishable under the same Clause.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Cases of doubt as to the Clause which is applicable or the offence which may be proved.

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

Form of charge of more than one head.

11. When a charge contains more heads than one, the form shall be as follows, or to the same effect:

Forms of Charge.

I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the charge:

On Clauses 13 and 14 Chap. XII.

First: That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate, &c.*].

On Clauses 4 and 6 Chap. XVI.

First: That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 4 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 28 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

Amendment of charge.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

When the trial may be immediately proceeded with after amendment.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered, or trial suspended.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the

prosecution

CHAPTER XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Cases in which magistrate may issue a warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Summons instead of warrant.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with personal attendance of accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant indorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, whether in a district within the same Presidency or under the same Lieutenant Governor or not, and carried before the magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c., of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

lect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer may be committed to custody

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

To be in presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Bail and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Evidence for the defence

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Witnesses for the defence.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

Complaint and issuing of Process for causing the attendance of the Accused.

Summons shall issue.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

When warrant may issue.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

Service of summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

When magistrate may refuse summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

If summons be not obeyed, warrant.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate may dispense with personal attendance of accused.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

Summons to witness to attend and give evidence.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

Diet money for witnesses.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Magistrate may summon necessary evidence.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Application of previous rules.

Bail.

10. If upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Defendant may be admitted to bail or to be at large upon personal recognizance.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

Admission by defendant of truth of complaint.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

Proceeding when no such admission is made.

in his defence ; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Adjournment.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties ; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant ; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable ; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable ; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

Cases how to be referred.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

Subordinate Criminal Courts to follow the same rules of procedure as the magistrate.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

Mode of proceeding in cases beyond jurisdiction.

4. In every case before a Sudordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

5. Provided that nothing in the last preceding Article shall be held to interfere with the exercise of power specially conferred upon a judge of a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with criminal offences to take their trial before the Session Courts.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

Place where investigation made, an open Court.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

1. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court.

Security to keep the peace.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

Personal recognizance without conviction.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

Security without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

For one year.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For more than one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

Imprisonment not to exceed period of recognizance and security.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty of personal recognizance.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1. Whenever it shall appear to a magistrate from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

When magistrate may require security for good behaviour for one year.

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

How to proceed in cases beyond one year.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

Case to be laid before the Session Court.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Session Court may require security not exceeding three years.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

What the order for security is to contain.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

7. The magistrates are empowered, at all times to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

When he must report.

8. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

How persons who have become sureties may discharge themselves.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty by sureties.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

CHAPTER XXI.

JURIES AND ASSESSORS.

Trials to be by jury.

1. The Governor General in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor General in Council may from time to time revoke or alter such Order.

Trial by jury, before the Session Court, of registered persons.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor General in Council may see fit to extend this rule, registered according to such rules as the Governor General in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

How the jury is to be constituted.

Joinder of registered and non-registered persons.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

How the jury is to be constituted in such cases.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

Number of which the jury is to consist.

Number of voices necessary to a verdict of guilty.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two-thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Jury not to consist of less than three.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor General in Council shall from time to time direct.

Trials before the Session Court with assessors.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Who are capable of serving as jurors and assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Sudder Court to make rules in regard to jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor General of India in Council.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

Cognizance of offences by the Session Court in original jurisdiction.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty"

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Refusal to plead, or plea of "not guilty."

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

Witnesses for the defence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

Adjournment.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Jury or assessors to attend at adjourned sitting.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Delivery of opinions of assessors.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

Of verdict of jury.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

Difference of opinion between Sudder Court and Session Court as to offence proved.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

Hearing of case referred, tried by jury.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the Judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

4. The finding and sentence shall be recorded in the following form, or to the same effect:—

Form of finding and sentence.

In trials by Jury:

When the Jury are unanimous:

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [*sentence*].

2*nd*. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty :—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [*sentence*].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury (*or* the majority of the Jurors consisting of
of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (*or* the Court concurs in such finding and directs) that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials with Assessors :

7th. The Court, concurring with the Assessors, (*or* one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge ; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be [*sentence.*]

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge ; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code ; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors :

10th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [*sentence*].

11th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

12th. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [*sentence*].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court ; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be ne-

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Judgment on offender already imprisoned under sentence for another crime.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

Party tried upon formal charge not liable to renewed prosecution.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements of calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case ; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI.

APPEALS.

No appeal in cases of acquittal.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

Appeal in cases of conviction.

2 An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge ; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded ; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority ; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry ; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidenceto be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

Appeals from orders in proceedings other than trials.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court ; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed ; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of subordinate Courts.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts ; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced ; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTORS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence penalties ..	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence.	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅛ of the longest term, or fine, or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable ..	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Not bailable	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. *Exception*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine. or bot .	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8	Rioting armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem .. .	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both.	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade ..	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property.	Idem	Idem	Idem..	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c., in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed ; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c., in a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the notice or information required respects the commission of an offence, &c.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative. Clause 1,

15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorized sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding.	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence.	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.	
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.	
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.	
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Session Court	Same as for giving such evidence.	
8	Using as a true certificate one known to be false in a material point.	Idem	Idem	Idem.	
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.	
10	Using as true any such declaration known to be false.	Idem	Idem	Idem.	
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
	If punishable with less than 14 years' imprisonment.	Idem	By the Court by which the offence is tria le.	Idem not exceeding ½ longest term and fine, or both.	
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate	Imprisonment of either description to 6 months, or fine, or both.	
13	Giving false information respecting an offence committed.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.	
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.	
18	Fraudulently sufferring a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Idem	Idem	Idem.	

19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure...	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender if the offence be capital ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital:	Idem . ..	Session Court	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.
	If with imprisonment to 1 year and not to 14 years..	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.			

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Bailable	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to appehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to 14 years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than 14 years.	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant.	Idem	Magistrate as limited by Chapter 11, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Simple imprisonment not exceeding 2 years, or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to 14 years.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 14 years or upwards.	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine.	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment..	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5 Penalty.	6. When admitting of cumulative Punishment.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding seven years, also liable to fine.	
9	Import or export of counterfeit Coin knowing the same to be counterfeit	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine not exceeding 10 years, and fine.	
13	Knowingly delivering to another any counterfeit Coin as genuine, which when first possessed the deliverer did not know to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument.	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 5 years, also fine.
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 10 years, also fine.
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.
26	Delivery to another of Coin as genuine which when first possessed the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.
30	Sale of counterfeit Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.
32	Using as genuine a Government Stamp known to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.
34	Using a Government Stamp known to have been before used.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
35	Erasure of mark denoting that Stamp has been used.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure ..	Idem	Idem	Idem .. ..
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem .. ..
5	Making or selling false weights or measures for fraudulent use.	Idem	Idem	Idem .. ..

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Knowingly disobeying any rule of the quarantine laws.	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
6	Selling any food or drink as food and drink for man knowing the same to be noxious.	Idem	Idem	Idem.	
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	
8	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	
0	Defiling the water of a public spring or reservoir ..	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupess 500, or both.	
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.	
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	

16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
18	So dealing with any explosive substance ..	Idem	Idem	Idem.	
19	So dealing with any machinery	Idem	Idem	Idem.	
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.	
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Idem	Idem	Idem.	
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.	
23	Continuance of nuisance after injunction to discontinue.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
24	Sale, &c., of obscene books, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
	Exception.—Not to extend to any representation on or in any Temple or on any car used for the conveyance of idols.				
25	Having in possession obscene book, &c., for sale or exhibition.	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship.	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem	Idem	Idem	Idem.
5	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life.	Idem	Idem	Death	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding 14 years, and also fine.	
8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.	
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.	
10	Attempt to commit murder and doing any act, &c. with such intention or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.	
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.	
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.	
	Of the causing of Miscarriage, of injuries to unborn Children, of the exposure of Infants, and of the concealment of Births.				
14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If the woman be quick with child	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	

15	Causing miscarriage without woman's consent ..	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above-mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36 ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Hurt.—(Continued.)

1. Clause.	2 Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees, 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	
	Of wrongful Restraint and wrongful Confinement.				
43	Wrongfully restraining any person	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	

46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.
48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property. &c	Idem	Idem	Idem.
51	While keeping a person in wrongful confinement, omitting to furnish him with any thing necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.

Of Criminal force and Assault.

55	Using criminal force otherwise than on grave provocation.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
57	Using criminal force in attempt to murder ..	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
59	Assault or criminal force with intent to dishonor a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or subordinate Criminal Courts, 1st class	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
62	Using criminal force on grave and sudden provocation.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.
63	Assault in cases not specially provided for when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person.	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves.	Not bailable	Idem	Idem.	
76	Unlawful compulsory labor.	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine.	Cumulative.

Of Rape.

78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by Clerk or Servant of property in possession of Master or Employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6.	Extortion	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Not bailable	Session Court..	Imprisonment of either description not exceeding 5 years, also liable to fine.	

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.	
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.	
16	Voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
18	Murder in Dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
19	Robbery or dacoity with attempt to cause death or grievous hurt.	Idem	Idem	Imprisonment not less than 7 years.	
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.	
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.	
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.	
24	Being one of 5 or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.	

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's own use.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
29	Criminal breach of trust by a clerk or servant ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen.	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
34	Habitually dealing in stolen property	Idem	Idem	Idem.
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Cheating.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
38	Cheating	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.	
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.	
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.	
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.	
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.	
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.	

49	Mischief	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

69	Criminal trespass	Bailable	Magistrate, or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Trespass—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	When admitting of cumulative Punishment.
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-trespass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life or rigorous imprisonment not exceeding 14 years and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year added to one-third of the longest term for the offence intended, and also fine.	
75	House-trespass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking. ..	Idem	Idem	Idem..	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended:	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking, house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 7 years, also liable to a fine.	

85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	Idem.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Forgery or using a forged document with intent to injure or deceive.	Idem	Idem	Idem	
5	Forgery of a record of a Court of Justice or of a Register of Births, &c. kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.	
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.	
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
8	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
10	Uttering or using as genuine a forged document which is known to be forged	Idem	Idem	As for forgery.	
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
13	Having possession of a valuable security or will knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.	
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.	

1 Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Not bailable	Session Court	Imprisonment of either description not exceeding 10 years, also liable to fine.	
17	Fraudulently destroying or defacing, or secreting a valuable security..	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	

Of Trade and Property-Marks.

22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.	
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.	
28	Making use of any such false mark	Idem	Idem	Idem.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Idem	Idem	Idem.	

CHAPTER XIX.— THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.
2	A Seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.
3	Being bound to attend on or supply the want of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200 or both.
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable .. .	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.
2	A woman committing the same offence with a man ...	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.
3	Marrying again during the life-time of a husband or wife.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
5	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine
6	Adultery	Idem	Session Court or Magistrate ..	Imprisonment of either description not exceeding 5 years, or fine, or both.
7	Enticing or taking away a married woman.... ...	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.

CHAPTER XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter knowing it to be defamatory.	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	If threat be to cause death or grievous hurt, &c. .	Idem	Idem	Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.	
6	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.	

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.	

W. MORGAN,

Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

THIRD SUPPLEMENT TO

The Calcutta Gazette

Published by Authority.

SATURDAY, MARCH 14, 1857.

Statement of Prices Current in the under-mentioned Districts,

ARTICLES.	Patna.		Behar.					
	Patna.	Dinapore.	Gyah.	Jehanabad, 30 miles from Sudder Station.	Daoodnugger, 40 miles from Sudder Station.	Behar, 40 miles from Sudder Station.	Shergotty, 20 miles from Sudder Station.
	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
Attah, ...per Rupee -	16 8	16 5½	14 0	16 0	22 0	19 8	16 0
Barley, (Jow,) „ „ -	27 0	27 0	28 0	27 8	28 0	34 0	23 0
Betel-nut, (Suparee,) „ „ -	4 2	3 12	4 0	4 0	4 12	4 0	3 12
Bhoosa, White, „ „ -	100 0	120 0	40 0	120 0	26 bkts.	140 0	140 0
„ Missah, „ „ -	90 0	85 0	110 0	80 0	26 bkts.	160 0	150 0
Cardamums, „ „ -	0 3½	0 4	2 8	2 0	2 8	2 0	0 9
Chillies, „ „ -	5 14	5 0	9 0	10 0	9 8	7 0	12 0
Cocoanuts, „ „ -	2 0	1 12½	11 No.	2 0	2 8	1 12	0 0
Coriander-seed, (Dhunia,) -	17 8	12 12	12 0	14 0	18 8	16 0	12 0
Cotton, „ „ -	3 12	3 0	2 10	3 8	3 8	3 4	3 0
Dal, Urhur, „ „ -	21 0	20 1½	16 0	16 0	22 0	16 0	16 0
„ Gram, „ „ -	19 0	20 0	15 0	16 0	19 0	20 0	0 0
„ Khesaree, „ „ -	20 0	20 11	20 0	20 0	26 0	22 0	20 0
„ Maskullye, „ „ -	20 0	23 0	17 0	14 0	22 0	22 0	20 0
„ Moong, „ „ -	18 0	16 0	12 0	14 0	0 0	18 0	13 0
„ Mussoor, „ „ -	22 0	21 12½	22 0	20 0	25 0	22 0	21 0
„ Muttur, „ „ -	30 0	0 0	20 0	20 0	27 0	22 0	0 0
Eggs, „ „ -	0 0	90 No.	168 No.	168 No.	160 No.	160 No.	164 No.
Fire-wood, „ „ -	160 0	0 0	160 0	160 0	1 garee	235 0	240 0
Flour, (Midah,) „ „ -	13 8	11 0	12 0	0 0	17 0	15 0	0 0
Garlic, „ „ -	9 8	32 0	20 0	0 0	27 0	28 8	0 0
Ghee, Cow's, „ „ -	0 0	0 0	2 6	2 4	2 12	1 8	0 0
„ Buffaloe's, „ „ -	2 4	2 8	2 8	2 8	2 14	2 6	2 4
Ginger, „ „ -	32 0	21 0	16 0	16 0	15 8	22 0	0 0
Goor, Cane, „ „ -	16 8	17 12	20 0	20 0	21 0	18 0	18 0
„ Date, „ „ -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Gram, (Boot,) 1st sort, „ -	28 0	26 0	20 0	22 8	23 0	29 0	29 0
„ „ 2nd sort, „ -	29 0	27 0	21 0	23 12	24 0	30 0	20 0
Grass, Dry, „ „ -	16 bdls.	0 0	0 0	0 0	0 0	0 0	120 0
Indigo, „ „ -	0 5	0 5	0 4	0 12	0 0	0 5	0 0
Indian-corn, (Bhoottah,) „ -	0 0	0 0	28 0	0 0	31 0	31 4	30 0
Joar, „ „ -	27 0	25 0	25 0	20 0	0 0	32 0	30 0
Jute, „ „ -	16 4	21 0	11 0	0 0	32 0	14 0	0 0
Kullye, „ „ -	23 0	25 0	21 8	30 0	26 0	0 0	22 0
Milk, „ „ -	22 0	26 0	30 0	30 0	40 0	27 8	32 0
Mustard-seed, „ „ -	16 8	12 0	17 0	17 0	17 4	12 8	14 0
Oil, Cocoanut, „ „ -	2 2	2 5	1 14	2 0	2 6	1 12	0 0
„ Linseed, „ „ -	4 4	4 0	4 0	4 8	4 8	4 12	0 0
„ Mustard, „ „ -	4 0	3 12	3 12	4 0	4 0	4 4	5 0
Onions, „ „ -	3 14	20 0	16 0	15 0	27 0	20 0	0 0
Paddy, (Dhan,) „ „ -	40 0	38 0	40 0	40 0	43 0	52 4	35 0
Potatoes, „ „ -	65 0	26 10	45 0	25 0	38 12	60 0	0 0
Rice, 1st sort, „ „ -	22 0	16 0	24 0	22 8	24 0	29 0	24 0
„ 2nd sort, „ „ -	23 0	19 3	25 0	23 12	25 0	31 0	26 0
„ Bausmuttee, „ „ -	16 0	16 0	13 0	15 0	18 0	19 0	13 0
„ Urrooah, „ „ -	21 0	17 0	17 0	18 0	20 0	20 0	20 0
„ Uttub, „ „ -	0 0	0 0	20 0	27 8	27 0	0 0	0 0
Salt, 1st sort, „ „ -	9 8	8 8	8 0	7 8	8 8	0 0	0 0
„ 2nd sort, „ „ -	10 0	9 8	8 4	8 12	9 8	0 0	0 0
„ Samber, „ „ -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
„ Pangah, „ „ -	9 8	9 2	8 0	8 0	9 0	9 0	7 8
Soojee, „ „ -	9 8	10 0	10 0	0 0	0 0	0 0	0 0
Sugar, Cane, „ „ -	4 4	4 0	4 0	0 0	0 0	5 0	0 0
„ Date, „ „ -	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Sugar-candy, „ „ -	2 10	2 8	2 4	0 0	2 12	3 0	2 0
Sukker, „ „ -	14 8	13 0	10 0	12 0	12 4	17 0	10 0
Straw, „ „ -	0 0	80 bdls.	300 bdls.	0 0	24 bdls.	0 0	350 bdls.
Suttoo, „ „ -	15 8	18 0	13 0	18 0	25 0	21 0	16 0
Teel, „ „ -	15 8	10 0	16 0	12 0	18 0	13 0	16 0
Tobacco, „ „ -	9 8	0 0	7 8	12 0	15 8	7 0	8 0
Turmeric, „ „ -	7 4	8 0	7 0	7 0	12 8	6 8	5 0
Wheat (Cabo.) -	19 0	18 11	17 0	20 0	23 0	22 0	18 0

Stations, and Markets, as on the 28th February 1857.

Shahabad.												Sarun.		Chumparun.		Bhaugulpore.		Monghyr.	
Arrah.		Bindwulleah, 10 miles from Sudder Station.		Doomraon, 20 miles from Sudder Station.		Buxar, 40 miles from Sudder Station.		Nasreegunge, 40 miles from Sudder Station.		Sasseram, 50 miles from Sudder Station.		Sootehar, 16 miles from Sudder Station.		Sudder Station.		Soozagunge.		Sudder Station.	
Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.	Srs.	C.
15	0	17	0	17	0	17	0	17	0	17	8	16	0	14	0	18	12	17	0
25	0	24	0	26	0	23	0	26	0	30	0	28	0	15	0	25	0	30	0
5	0	0	0	5	0	4	8	3	8	4	0	4	4	3	0	3	12	4	8
100	0	0	0	80	0	60	0	100	0	40	0	120	0	0	0	0	0	120	0
120	0	0	0	90	0	70	0	120	0	80	0	140	0	0	0	0	0	160	0
0	3	0	0	0	2½	0	2½	0	4	1	0	2	4	2	8	0	3	2	8
6	0	8	0	5	0	4	0	6	0	16	0	6	8	20	0	5	10	6	0
1	8	0	0	1	12	1	8	1	12	1	8	16	No.	1	8	0	0	25	No.
18	0	16	0	15	8	14	0	17	0	16	0	21	0	10	0	20	0	15	0
3	8	0	0	3	8	3	4	3	8	3	0	3	4	2	14	2	10	3	0
20	0	20	0	20	0	20	0	20	0	19	0	20	0	14	0	15	0	16	0
22	0	0	0	20	0	16	0	0	0	20	0	19	0	0	0	17	8	20	0
24	0	0	0	26	0	24	0	28	0	30	0	20	0	17	4	20	0	22	0
19	0	0	0	18	0	16	0	17	0	19	0	21	0	14	0	21	4	23	0
15	0	0	0	16	0	14	0	0	0	16	0	14	0	0	0	0	0	16	0
26	0	22	0	25	0	21	8	30	0	24	0	21	0	16	0	17	8	22	0
24	0	0	0	0	0	0	0	0	0	0	0	23	0	16	0	20	0	28	0
83	No.	0	0	83	No.	83	No.	20	No.	128	No.	125	No.	0	0	128	No.	64	No.
160	0	0	0	160	0	160	0	120	0	160	0	220	0	320	0	150	0	160	0
12	0	0	0	13	0	13	0	14	0	14	0	12	0	0	0	12	8	14	0
14	0	0	0	14	12	9	8	13	0	16	0	40	0	20	0	15	0	32	0
1	12	2	4	2	0	0	0	2	0	2	6	1	10	2	4	1	9	1	12
2	6	2	8	2	6	2	4	2	8	2	8	2	10	2	15	2	0½	2	0
16	0	0	0	20	0	14	4	0	0	16	0	31	0	44	0	25	0	13	0
15	0	17	0	17	0	14	0	20	0	18	0	20	0	16	0	15	15	16	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25	0	22	0	22	12	23	0	24	0	26	0	24	0	17	0	26	4	30	0
0	0	23	0	23	12	24	0	27	0	27	0	25	0	20	0	27	8	31	0
0	0	0	0	0	0	0	0	21	bkt.	0	0	0	0	16	bdls.	0	0	11	bdls.
0	5	0	0	0	6	0	0	0	0	0	0	0	5	0	0	0	6½	0	5
0	0	0	0	26	0	22	0	0	0	0	0	0	0	30	0	0	0	0	0
0	0	0	0	24	0	22	0	0	0	0	0	23	0	0	0	27	8	32	0
12	0	0	0	0	0	0	0	0	0	0	0	16	0	0	0	0	0	13	0
40	0	0	0	32	0	38	0	40	0	70	0	25	0	0	0	26	4	25	0
21	0	0	0	22	0	21	0	17	0	24	0	20	0	25	0	30	0	20	0
14	0	0	0	14	8	14	0	0	0	16	0	15	0	16	0	16	4	13	0
0	0	0	0	2	0	1	12	0	0	0	0	1	12	0	0	1	14	1	8
4	4	4	12	4	12	4	0	4	0	4	6	4	12	0	0	3	2	3	8
3	12	4	8	4	8	3	12	4	0	4	0	4	0	3	12	5	0	3	8
0	0	0	0	15	0	14	4	42	0	50	0	13	0	20	0	40	10	40	0
32	0	0	0	32	8	35	0	40	0	40	0	32	0	44	0	43	12	45	0
42	0	48	0	45	0	34	0	25	0	32	0	60	0	80	0	46	14	32	0
20	0	19	0	20	0	17	0	21	0	23	0	21	0	24	4	18	12	19	0
21	0	20	0	21	0	18	0	23	0	35	0	22	0	25	0	21	4	23	0
14	0	16	0	13	8	14	0	14	0	15	0	14	8	0	0	23	12	15	0
16	0	0	0	16	4	15	0	19	0	18	0	18	0	19	0	0	0	20	0
0	0	20	0	0	0	0	0	0	0	0	0	19	0	23	0	0	0	15	0
0	0	0	0	0	0	0	0	0	0	0	0	8	0	7	0	8	12	0	0
0	0	0	0	0	0	0	0	0	0	0	0	8	8	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	6	0	0	0	8	0	7	0	9	0	7	8	8	12	9	0
7	0	0	0	0	0	11	8	0	0	0	0	7	0	7	0	8	12	10	0
4	0	3	8	4	0	3	0	4	0	3	8	4	8	10	0	3	7	4	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	8	0	0	2	8	2	8	2	8	2	8	2	4	2	0	1	14	2	8
9	0	4	12	9	8	7	0	9	0	8	0	11	0	10	0	7	14	14	0
0	0	0	0	0	0	0	0	0	0	125	bdls.	250	poola.	0	0	0	0	12	bdls.
25	0	20	0	21	0	18	0	23	0	22	0	18	0	20	0	16	4	16	0
11	0	0	0	14	8	14	0	0	0	15	0	11	0	0	0	0	0	13	0
11	0	14	0	13	0	8	0	16	0	8	0	11	0	10	0	7	8	12	0
9	0	12	0	10	8	8	0	7	0	6	0	12	0	10	0	6	4	7	0
18	0	20	0	20	0	21	0	20	0	22	0	20	0	16	0	21	4	22	0

ARTICLES.	Tirhoot.	Purneah.	Rajsha-hye.	Pubnah.	Rung-pore.	Bograh.	Dinage-pore.
	Muzufferpore.	Sudder Station.	Rampore Beauleah.	Sudder Station.	Sudder Station.	Sudder Station.	Sudder Station.
	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
Attah, ... per Rupee -	14 0	13 0	13 8	17 8	14 10	15 0	10 8
Barley, (Jow,) „ „ -	34 0	32 8	0 0	47 8	0 0	0 0	18 8
Betel-nut, (Suparee,) „ -	4 0	4 0	5 4	8 0	4 8	4 8	3 0
Bhoosa, White, „ „ -	160 0	60 0	37 8	100 0	0 0	93 0	50 0
„ Missah, „ „ -	0 0	65 0	48 12	0 0	0 0	93 0	60 0
Cardamums, „ „ -	2 4	0 4	2 0	0 5	0 0	1 8	1 8
Chillies, „ „ -	9 8	8 0	4 8	9 8	9 0	6 0	13 0
Cocoanuts, „ „ -	0 0	8 No.	26 No.	0 0	0 0	0 0	0 0
Coriander-seed, (Dhunia,) -	15 0	16 0	30 0	50 0	18 0	15 0	15 0
Cotton, „ „ -	4 0	3 0	2 11½	4 0	0 0	2 4	3 0
Dal, Urhur, „ „ -	15 0	9 0	14 0	21 5	14 10	17 4	13 0
„ Gram, „ „ -	16 0	16 0	18 12	16 0	6 12	15 0	13 0
„ Khesaree, „ „ -	17 0	20 0	35 10	50 0	24 12	24 0	21 0
„ Maskullye, „ „ -	17 0	19 0	21 0	21 5	14 10	21 0	17 0
„ Moong, „ „ -	12 0	12 0	12 0	12 0	0 0	12 0	9 0
„ Mussoor, „ „ -	17 0	16 0	24 0	27 0	18 0	21 0	21 0
„ Muttur, „ „ -	17 0	24 0	28 2	45 0	18 0	24 0	21 0
Eggs, „ „ -	140 No.	128 No.	128 No.	128 No.	256 No.	128 No.	128 No.
Fire-wood, „ „ -	200 0	200 0	200 0	160 0	256 bdls.	128 bdls	150 0
Flour, (Midah,) „ „ -	10 0	10 0	6 0	16 0	0 0	12 0	8 0
Garlic, „ „ -	40 0	32 0	3 0	20 0	0 0	16 0	13 0
Ghee, Cow's, „ „ -	1 8	1 0	1 9½	2 4	0 0	1 11	1 4
„ Buffaloe's, „ „ -	2 8	2 0	1 14	0 0	1 6½	1 11	1 12
Ginger, „ „ -	22 0	32 0	31 14	16 0	14 10	20 0	20 0
Goor, Cane, „ „ -	19 0	14 0	10 0	12 0	9 0	11 4	15 0
„ Date, „ „ -	0 0	0 0	7 14	0 0	0 0	0 0	0 0
Gram, (Boot,) 1st sort, „ -	21 4	20 0	31 14	32 0	0 0	18 12	18 0
„ „ 2nd sort, „ -	0 0	23 0	33 12	35 0	0 0	0 0	0 0
Grass, Dry, „ „ -	0 0	32 bdls.	0 0	0 0	0 0	0 0	15 bdls.
Indigo, „ „ -	0 0	0 4	0 0	0 4	0 0	0 0	0 4
Indian-corn, (Bhoottah,) „ -	26 4	10 0	0 0	0 0	0 0	0 0	0 0
Joar, „ „ -	20 0	10 0	0 0	0 0	0 0	0 0	0 0
Jute, „ „ -	12 0	14 0	13 8	16 0	0 0	13 14	14 0
Kullye, „ „ -	20 0	24 0	31 14	25 0	0 0	27 0	27 8
Milk, „ „ -	25 0	32 0	12 0	25 0	18 0	30 0	20 0
Mustard-seed, „ „ -	19 0	20 0	13 8	16 0	0 0	16 0	15 0
Oil, Cocoanut, „ „ -	2 8	2 0	2 8	3 5	0 0	2 4	1 8
„ Linseed, „ „ -	0 0	3 0	0 0	0 0	0 0	0 0	0 0
„ Mustard, „ „ -	4 8	4 0	3 12	4 4	3 6	3 0	3 4
Onions, „ „ -	0 0	32 0	31 14	42 8	14 10	20 0	13 0.
Paddy, (Dhan,) „ „ -	41 4	45 0	50 10	75 0	110 0	85 0	70 0
Potatoes, „ „ -	60 0	32 0	19 3½	16 0	72 0	30 0	40 0
Rice, 1st sort, „ „ -	24 0	28 0	26 4	26 8	23 10	26 4	35 0
„ 2nd sort, „ „ -	25 0	30 0	27 12	37 8	39 6	45 0	38 0
„ Bausmuttee, „ „ -	14 0	0 0	0 0	24 0	0 0	0 0	25 0
„ Urrooah, „ „ -	19 0	20 0	0 0	33 12	18 0	35 10	30 0
„ Uttub „ „ -	0 0	22 0	22 8	36 4	23 10	37 8	28 0
Salt, 1st sort, „ „ -	8 0	9 0	9 13	0 0	0 0	9 15	9 0
„ 2nd sort, „ „ -	0 0	9 8	10 2½	0 0	0 0	0 0	9 8
„ Samber, „ „ -	0 0	0 0	0 0	0 0	0 0	0 0	4 8
„ Pangah, „ „ -	8 0	9 8	9 10½	13 8	9 0	9 15	9 0
Soojee, „ „ -	8 0	8 0	4 8	5 0	0 0	6 0	8 0
Sugar, Cane, „ „ -	3 4	3 4	3 12	4 0	2 13	3 0	3 8
„ Date, „ „ -	0 0	0 0	0 0	7 0	0 0	4 2	0 0
Sugar-candy, „ „ -	2 0	2 0	1 8	2 0	1 2	1 14	2 0
Sukker, „ „ -	9 0	8 0	0 0	10 0	0 0	0 0	0 0
Straw, „ „ -	0 0	16 bdls	600 bdls.	3 bdls.	0 0	12 bdls.	7 puns
Suttoo, „ „ -	16 0	16 0	12 0	16 0	0 0	0 0	10 0
Teel, „ „ -	9 0	8 0	15 0	22 0	0 0	0 0	0 0
Tobacco, „ „ -	8 0	10 0	10 0	12 0	9 0	12 0	8 8
Turmeric, „ „ -	7 0	10 0	6 12	10 0	4 8	8 0	5 8
Wheat, (Gaho,) „ „ -	15 0	20 0	18 12	40 0	0 0	24 0	20 0

tations, and Markets, as on the 28th February 1857.—(Continued.)

Malduh.	Dacca.	Furreed-pore.	Sylhet.	Cachar.	Mymen-sing.	Backergunge.		Chitta-gong.	Tipperah.
English Bazar.	Sudder Station.	Sudder Station.	Sudder Station.	Sylchar.	Nusserabad.	Burrisaul.	Nulchitty, 10 miles from Sudder Station.	Sudder Station.	Comilah.
Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
16 0	15 0	14 0	12 0	0 0	16 0	10 8	0 0	12 0	0 0
53 12	60 0	50 0	7 0	0 0	0 0	21 4	0 0	0 0	0 0
4 12	5 8	6 0	4 0	960 No.	6 0	6 0	6 0	8 0	5 5
0 0	65 0	120 0	60 0	0 0	60 0	32 0	80 0	40 0	0 0
40 0	70 0	0 0	72 0	0 0	80 0	53 12	160 0	0 0	0 0
2 0	5 0	0 4	0 4	0 3	0 5	0 3¼	2 0	0 6	0 3¼
8 0	5 0	6 0	5 0	8 0	10 0	5 8	5 8	13 0	9 2
32 No.	21 No.	30 No.	36 No.	21 No.	32 No.	35 No.	40 No.	32 No.	0 0
23 12	20 0	18 0	26 0	12 0	40 0	21 4	22 0	16 0	16 0
2 12	3 0	3 4	6 0	12 10	2 8	3 0	4 0	3 0	3 1
16 0	20 0	21 0	15 0	12 10	20 0	16 0	16 0	14 0	12 12
13 0	20 0	20 0	20 0	13 0	19 0	16 0	16 0	12 0	16 0
20 0	40 0	40 0	20 0	21 5	28 0	35 0	45 0	28 0	32 0
20 0	30 0	21 0	25 0	0 0	25 0	21 4	0 0	16 0	32 0
10 0	13 0	11 0	12 0	12 10	13 0	9 0	0 0	11 0	12 12
20 0	15 0	21 0	15 0	0 0	32 0	18 0	19 0	18 0	21 5
22 0	45 0	30 0	15 4	0 0	24 0	30 0	35 0	16 0	0 0
160 No.	180 No.	0 0	150 No.	0 0	0 0	128 No.	0 0	128 No.	256 No.
240 0	120 0	160 0	200 0	21 bdls	80 0	40 bdls.	160 0	8 bdls	280 0
13 0	13 0	11 0	7 0	0 0	12 0	8 0	8 0	10 0	0 0
32 0	14 0	25 0	10 0	6 8	6 12	16 0	15 0	10 0	9 2
1 8	2 0	1 8	2 0	1 12	2 0	1 10	1 8	1 4	2 0
2 4	1 12	0 0	2 4	1 14	2 12	1 14	0 0	1 8	0 0
32 0	20 0	12 0	15 0	0 0	32 0	16 0	16 0	6 0	16 0
13 0	9 0	10 0	8 0	12 10	10 0	9 0	10 0	9 0	12 12
0 0	10 0	16 0	11 0	0 0	0 0	11 0	13 0	12 0	12 12
23 12	26 0	15 0	15 0	0 0	22 8	25 0	0 0	20 0	21 5
26 4	27 0	22 0	16 0	0 0	25 0	27 8	20 0	21 0	0 0
6puns.	4 bdls.	0 0	138 bdls.	0 0	12 bdls	0 0	0 0	7 bdls.	0 0
0 0	0 4	0 0	0 3	0 0	0 5	0 3¼	0 4	0 5	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	11 0	14 0	15 0	12 10	13 0	10 8	15 0	11 0	0 0
33 0	40 0	30 0	27 0	32 0	35 0	27 0	30 0	30 0	40 0
16 0	16 0	16 0	17 0	21 5	16 0	22 0	16 0	16 0	12 12
16 0	13 0	21 0	11 0	16 0	14 0	16 0	10 0	10 0	12 12
2 4	2 12	2 8	2 0	0 0	2 8	3 4	3 0	2 8	2 7
0 0	2 4	0 0	4 0	0 0	0 0	2 8	0 0	0 0	0 0
3 8	3 0	3 10	3 0	3 12	3 0	3 6	3 4	3 0	3 0
32 0	24 0	35 0	8 0	6 8	14 0	22 0	16 0	16 0	32 0
50 0	65 0	55 0	80 0	135 0	60 0	55 0	60 0	70 0	0 0
32 0	16 0	12 0	16 0	0 0	20 0	16 0	16 0	10 0	16 0
29 0	30 0	16 0	35 0	42 0	40 0	25 0	24 0	20 0	35 9
30 0	32 0	28 0	44 0	54 0	42 8	28 0	26 0	26 0	40 0
0 0	16 0	0 0	25 0	0 0	0 0	16 0	0 0	0 0	0 0
22 0	32 0	0 0	32 0	0 0	37 8	0 0	0 0	0 0	32 0
18 8	32 0	28 0	40 0	64 0	27 8	26 0	24 0	25 0	35 9
9 12	10 0	0 0	9 0	8 0	9 12	0 0	0 0	0 0	9 2
10 0	10 8	0 0	9 12	0 0	10 0	0 0	10 0	18 0	10 0
0 0	10 0	0 0	0 0	0 0	8 0	6 8	0 0	0 0	6 0
10 0	8 0	10 0	0 0	0 0	10 0	8 0	0 0	0 0	0 0
11 0	12 0	3 8	3 12	0 0	8 0	4 0	0 0	9 0	0 0
3 12	3 4	3 8	4 12	2 12	3 0	3 0	3 0	0 0	3 1
0 0	3 12	5 0	8 0	7 0	5 0	4 0	7 0	4 0	0 0
1 12	2 0	1 12	2 0	1 0	2 0	1 8	2 4	1 4	1 5
0 0	8 0	7 8	9 0	0 0	9 0	0 0	0 0	0 0	0 0
3puns.	700 bdls.	400 bdls	250 bdls.	0 0	2 8	0 0	0 0	50kegs.	0 0
20 0	8 0	0 0	8 0	0 0	10 0	8 0	0 0	0 0	0 0
8 0	0 0	0 0	8 8	0 0	15 0	13 0	12 0	8 0	0 0
16 0	8 0	9 0	9 0	5 5	10 0	8 0	7 8	8 0	9 2
6 8	4 0	8 0	10 0	32 0	6 12	5 12	5 8	5 0	0 0
22 0	19 0	30 0	16 0	0 0	20 0	16 0	0 0	16 0	0 0

Statement of Prices Current in the under-mentioned Districts,

ARTICLES.	Buffoah.	Nuddea.		Baraset.	Jessore.	Moorshedabad.	Burd	
	Sudder Station.	Kishennagore.		Sudder Station.	Sudder Station.	Berhampore.	Sudder Station.	Jamulpore 14 miles from Sudder Station.
	Srs. C.	Srs. C.		Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
Attah, ... per Rupee	8 0	14 0		10 8	13 5	13 0	18 0	12 12
Barley, (Jow,) „ „	0 0	0 0		26 8	40 0	40 0	37 8	0 0
Betel-nut, (Suparee,) „	1 kahun	4 8		4 8	4 8	4 0	4 14	5 0
Bhoosa, White, „ „	32 0	45 8		0 0	32 0	40 0	48 12	60 0
„ Missah, „ „	0 0	53 0		0 0	50 0	45 0	50 8	67 8
Cardamoms, „ „	0 3½	1 8		0 2	2 0	2 0	1 8	2 4
Chillies, „ „	10 12	5 10		0 0	16 0	4 8	6 0	6 0
Cocoanuts, „ „	60 No.	32 No.		64 No.	80 No.	16 No	32 No.	25 No
Coriander-seed (Dhunia,)	20 0	21 0		16 0	20 0	20 0	18 0	19 8
Cotton, „ „	5 0	1 12		3 4	2 9	3 12	3 12	2 10
Dal, Urhur, „	16 0	14 0		16 0	16 0	15 0	18 0	16 8
„ Gram, „ „	16 0	16 0		16 0	10 0	15 0	18 0	0 0
„ Khesaree, „ „	30 0	32 0		25 0	32 0	26 0	37 8	43 12
„ Maskullye, „ „	18 0	21 4		0 0	18 0	21 0	21 0	0 0
„ Moong, „ „	9 0	8 0		8 0	8 0	7 8	11 4	0 0
„ Mussoor, „ „	16 0	26 10		20 0	24 0	16 0	27 0	24 0
„ Muttur, „ „	22 0	29 0		0 0	28 0	26 0	33 12	0 0
Eggs, „ „	320 No	0 0		128 No.	84 No.	112 No.	132 No.	0 0
Fire-wood, „ „	8 bdls.	64 bdls.		130 0	200 0	150 0	150 0	0 0
Flour, (Midah,) „ „	8 0	13 0		9 0	10 0	11 0	15 0	12 0
Garlic, „ „	16 0	8 0		0 0	0 0	10 0	48 12	0 0
Ghee, Cow's, „ „	0 0	1 10		1 0	1 8	1 4	1 8	1 14
Buffaloe's, „ „	1 8	1 12		1 12	1 8	1 12	2 4	2 4
Ginger, „ „	14 0	12 0		10 8	0 0	20 0	24 0	0 0
Goor, Cane, „ „	9 0	7 0		8 0	0 0	8 0	9 15	9 3¾
„ Date, „ „	0 0	8 0		10 8	22 0	0 0	7 8	0 0
Gram, (Boot,) 1st sort, „	20 0	26 10		20 0	16 0	27 0	24 0	22 8
„ „ 2nd sort, „	0 0	0 0		0 0	21 4	28 0	27 0	24 0
Grass, Dry, „	0 0	0 0		0 0	0 0	0 0	0 0	0 0
Indigo, „	0 0	0 0		0 2¾	0 0	0 3½	0 3	0 0
Indian-corn, (Bhoottah,) „	0 0	0 0		0 0	0 0	0 0	0 0	0 0
Joar, „ „	0 0	0 0		0 0	0 0	0 0	0 0	0 0
Jute, „ „	16 0	9 0		8 0	12 8	11 0	12 0	0 0
Kullye, „ „	28 0	26 10		22 0	18 0	28 0	25 8	21 12
Milk, „ „	25 0	16 0		0 0	21 0	12 0	20 0	24 0
Mustard-seed, „ „	0 0	13 0		0 0	0 0	11 0	9 51	12 0
Oil, Cocoanut, „ „	2 12	3 0		2 12	3 4	2 10	3 0	3 6
„ Linseed, „ „	3 6	3 4		0 0	0 0	3 0	3 0	0 0
„ Mustard, „ „	3 6	3 0		3 4	3 8	2 12	3 9	3 6
Onions, „ „	16 0	25 0		16 0	0 0	30 0	33 12	0 0
Paddy, (Dhan,) „ „	80 0	40 0		40 0	220 0	40 0	37 8	48 12
Potatoes, „ „	16 0	29 0		25 0	16 0	20 0	24 0	48 0
Rice, 1st sort, „	35 0	25 8		0 0	24 0	20 0	33 12	30 12
„ 2nd sort, „ „	37 8	26 10		0 0	25 8	25 0	37 8	32 4
„ Bausmuttee, „ „	0 0	0 0		16 0	15 0	16 0	24 0	22 8
„ Urroouh, „ „	0 0	28 0		0 0	0 0	19 0	24 0	0 0
„ Uttub, „ „	37 8	23 8		0 0	22 0	19 0	33 12	30 0
Salt, 1st sort, „ „	0 0	0 0		0 0	0 0	9 8	10 14	10 8
„ 2nd sort, „ „	0 0	0 0		0 0	0 0	10 4	11 4	10 14
„ Samber, „ „	7 0	6 0		0 0	0 0	0 0	0 0	0 0
„ Pangah, „ „	10 0	10 0		10 0	8 0	8 8	10 8	10 2
Soojee, „ „	4 0	5 0		8 0	8 0	7 0	9 12	9 0
Sugar, Cane, „ „	3 4	3 0		0 0	4 0	3 8	3 12	3 12
„ Date, „ „	4 12	3 4		0 0	5 0	0 0	3 0	3 12
Sugar-candy, „ „	1 14	2 0		2 8	3 0	2 8	3 0	3 0
Sukker, „ „	0 0	6 0		6 8	0 0	6 0	6 0	6 0
Straw, „ „	0 0	6 puns		8 puns	100 bdls	3p. 10g	5 puns.	3½ puns
Suttoo, „ „	0 0	14 0		0 0	8 0	16 0	12 0	0 0
Teel, „ „	0 0	0 0		5 8	0 0	4 0	12 0	0 0
Tobacco, „ „	7 0	13 0		0 0	9 0	8 0	12 0	9 0
Turmeric, „ „	30 0	5 8		0 0	0 0	6 0	6 0	6 0
Wheat, (Gehoo,) „ „	20 0	26 10		0 0	16 0	20 0	24 0	18 0

Stations, and Markets, as on the 28th February 1857 —(Continued.)

wan.			Hooghly.	Bancoorah.	Beerbhoom.	Midnapore.	Cuttack.	Balasore.	Pooree.	Lohurdugga.
Culneah, 32 miles from Sudder Station.	Cutwah, 40 miles from Sudder Station.		Sudder Station.	Sudder Station.	Sooree.	Sudder Station.	Sudder Station.	Sudder Station.	Sudder Station.	Ranchee.
Srs. C.	Srs. C.		Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.	Srs. C.
12 12	15 0		12 0	10 8	12 12	11 4	21 0	15 0	18 6	16 0
26 0	33 12		26 8	0 0	0 0	24 0	0 0	12 0	0 0	0 0
5 0	5 4		5 0	4 12	3 6	4 8	4 14	6 0	4 0	3 8
45 0	60 0		45 8	48 0	40 0	40 0	84 0	64 0	42 0	50 0
70 0	77 8		45 0	60 0	48 0	50 0	84 0	80 0	84 0	0 0
1 8	2 10		2 0	2 0	0 3	1 8	1 5	1 0	1 10	1 8
6 8	6 12		6 0	5 8	8 0	4 8	6 0	5 4	5 0	5 4
32 No.	32 No.		64 No	32 No	0 0	28 No	48 No	32 No	64 No	8 No.
26 0	26 4		27 0	15 0	13 0	16 0	30 14	16 0	15 0	10 0
2 12	2 10		3 4	2 14	0 0	2 10½	3 4½	2 8	0 0	3 0
17 0	18 0		16 0	13 0	16 8	12 8	14 0	13 0	19 11	16 0
26 0	16 0		16 0	15 8	16 8	11 0	13 0	10 8	0 0	12 0
40 0	30 0		26 8	0 0	27 8	23 0	26 4	21 0	26 4	0 0
23 0	15 0		22 0	0 0	18 0	0 0	0 0	0 0	31 8	26 0
7 8	9 0		11 0	15 8	8 0	17 0	18 0	18 0	23 10	0 0
30 0	24 0		22 0	19 8	20 0	20 0	21 0	16 0	26 4	14 0
32 0	27 0		24 0	17 0	0 0	0 0	26 4	13 0	0 0	0 0
128 No	128 No		128 No	240 No.	160 No.	125 No	128 No	192 No	64 No	128 No.
200 0	210 0		140 0	310 0	180 0	140 0	392 0	260 0	16 puns	320 0
12 0	14 4		11 0	10 0	9 12	18 0	14 0	8 0	11 13	12 0
6 4	16 0		10 0	14 0	16 0	0 0	12 7	13 0	15 12	12 0
1 12	1 14		1 8	1 4	1 14	1 11	1 15½	1 4	1 12	2 0
1 13	2 0		1 12	1 12	1 12	1 13	2 1	1 8	1 14	2 4
15 0	19 8		16 0	11 0	16 0	16 0	9 3	13 0	9 3	16 0
10 0	11 4		8 8	11 8	10 0	10 0	13 2	8 0	13 2	16 0
10 0	18 12		16 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
23 0	28 8		24 10	16 0	25 0	17 0	26 4	16 0	22 5	20 0
26 0	30 0		26 8	0 0	0 0	18 0	0 0	18 0	0 0	21 0
0 0	0 0		0 0	7½ bdls	0 0	0 0	0 0	0 0	0 0	600 bdls.
0 3	0 0		0 0	0 4	0 0	0 3	0 2½	0 2½	0 0	0 3½
0 0	0 0		0 0	77 0	0 0	0 0	0 0	0 0	0 0	0 0
0 0	0 0		13 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
11 0	12 12		12 0	13 0	11 0	14 0	9 3	13 0	0 0	0 0
28 0	26 4		27 0	0 0	31 4	21 0	49 14	34 0	42 0	37 8
18 0	10 8		16 0	20 0	24 0	20 0	21 0	16 0	25 8	21 0
11 4	12 0		11 0	11 0	0 0	11 0	23 10	13 0	15 12	16 0
3 0	3 0		3 4	2 4	2 4	3 0	3 12	3 4	4 0	1 8
3 0	3 9		2 8	0 0	0 0	2 12	3 4	0 0	5 4	0 0
3 4	3 6		3 10	3 8	3 7	3 1	4 14	4 0	5 4	5 0
20 0	22 8		16 0	30 0	21 5	0 0	39 6	21 0	21 0	40 0
61 8	50 0		40 0	60 0	58 0	1 8	98 7	80 0	82 0	60 0
50 0	30 0		35 0	23 0	16 0	20 0	21 0	16 0	10 0	36 0
23 0	27 0		15 1	32 8	28 0	15 0	28 14	29 0	37 12	37 8
26 0	33 0		17 0	35 0	32 0	29 0	36 12	32 0	42 0	38 12
0 0	18 0		13 0	0 0	0 0	0 0	0 0	0 0	44 10	0 0
26 0	24 0		13 0	22 0	28 0	28 0	34 2	0 0	34 2	32 0
0 0	25 8		23 0	26 0	21 0	30 0	26 4	36 0	36 12	32 0
10 14	10 3		10 0	0 0	8 12	0 0	0 0	0 0	22 0	8 0
12 0	0 0		0 0	0 0	0 0	0 0	22 0	0 0	0 0	8 8
0 0	10 5		8 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
11 0	10 4		10 8	9 0	0 0	10 0	0 0	17 0	0 0	8 0
7 8	8 4		11 0	3 8	6 4	5 10	6 9	5 0	0 0	7 0
4 4	3 12		3 8	0 0	3 12	4 0	0 0	3 8	0 0	3 0
4 4	4 8		4 4	0 0	0 0	0 0	0 0	0 0	0 0	0 0
2 8	3 0		2 8	2 4	2 4	2 4	2 10	2 0	2 0	1 12
6 4	7 8		6 8	9 8	8 8	7 8	13 2	6 8	13 2	9 8
4 puns	3 0		320 bdls.	12 puns	4 puns	10 puns	700 bdls.	800 bdls.	700 bdls.	120 0
0 0	11 4		14 0	18 0	0 0	7 8	0 0	8 0	0 0	12 0
10 0	9 0		7 8	13 0	0 0	11 0	23 10	13 0	0 0	0 0
10 8	10 0		11 0	8 0	9 0	8 0	4 14½	8 0	6 0	5 0
6 0	6 12		6 0	5 8	5 0	5 8	5 0	4 8	7 14	5 0
22 0	21 0		18 0	14 0	18 12	15 0	26 4	19 0	28 14	20 0

Statement of Prices Current in the under-mentioned Districts, Stations, and Markets, as on the 28th February 1857 —(Concluded.)

ARTICLES.	Man Bhoom		Gowal-parah.		Kămroop.		Darjeeling		Akyab	
	Sudder Station.		Sudder Station.		Gowhatty		Sudder Station.		Sudder Station.	
	Srs	C	Srs.	C.	Srs	C	Srs	C	Srs	C.
Attah, per Rupee,	12	0	13	0	13	0	10	0	0	0
Barley, (Jow,) „ „	0	0	0	0	0	0	0	0	0	0
Betel-nut, (Suparee,) „	4	0	4	4	4	0	3	0	4	0
Bhoosa, White, „ „	0	0	0	0	120	0	0	0	40	0
Mussah, „ „	70	0	60	0	140	0	0	0	64	0
Cardamoms, „	1	12	0	4	0	3	3	0	0	12
Chillies, „ „	4	0	8	0	4	0	5	0	12	0
Cocoanuts, „ „	0	0	28	No	16	No	8	No	20	No.
Coriander-seed, (Dhunia,)	12	0	20	0	16	0	6	0	16	0
Cotton, „ „	2	8	4	0	3	4	2	0	1	8
Dal, Urhar, „ „	12	0	13	0	12	0	10	0	13	5
„ Gram, „ „	12	0	9	0	13	0	10	0	8	0
„ Khesaree, „ „	16	0	30	0	22	0	16	0	16	0
„ Maskullye, „ „	15	0	21	0	22	0	16	0	13	5
„ Moong, „ „	11	0	9	0	16	0	8	0	7	8
„ Mussoor, „ „	13	0	21	0	14	0	12	0	13	5
„ Muttur, „ „	16	0	24	0	16	0	16	0	13	5
Eggs, „	128	No	128	No	120	No	64	No	48	No.
Fire-wood, „ „	400	0	10	bdls	16	bdls	480	0	8	0
Flour, (Midah,) „ „	9	0	0	0	10	0	8	0	2	0
Garlic, „ „	22	0	16	0	2	8	8	0	4	0
Ghee, Cow's, „ „	1	10	1	6	1	4	2	0	1	4
„ Buffaloe's, „ „	1	14	1	4	1	4	2	8	1	8
Ginger, „ „	12	0	8	0	12	0	8	0	10	0
Goor, Cane, „ „	11	0	10	0	10	0	8	0	6	0
„ Date, „ „	0	0	11	0	0	0	0	0	8	0
Gram, (Boot,) 1st sort, „	18	0	15	0	22	0	13	0	12	0
„ „ 2nd sort, „	19	0	18	0	0	0	14	0	16	0
Grass, Dry, „ „	64	puns	0	0	0	0	0	0	20	bdls.
Indigo, „ „	0	3	0	0	0	1½	0	3	0	6
Indian-corn, (Bhoottah,) „	0	0	0	0	0	0	32	0	0	0
Joar, „ „	0	0	0	0	0	0	0	0	0	0
Jute, „ „	0	0	10	0	14	0	8	0	10	0
Kullye, „ „	20	0	30	0	28	0	18	0	16	0
Milk, „ „	32	0	16	0	13	0	16	0	8	0
Mustard-seed, „ „	12	8	18	0	0	0	8	0	12	0
Oil, Cocoanut, „ „	1	12	2	0	2	0	1	8	2	0
„ Linseed, „ „	0	0	0	0	0	0	0	12	0	12
„ Mustard, „ „	3	4	4	0	3	8	4	0	1	12
Onions, „ „	16	0	20	0	3	0	10	0	10	0
Paddy, (Dhan,) „ „	66	0	80	0	0	0	30	0	48	0
Potatoes, „ „	17	0	27	0	13	0	16	0	7	0
Rice, 1st sort, „ „	30	0	40	0	36	0	11	0	16	0
„ 2nd sort, „ „	0	0	52	0	55	0	12	0	18	0
„ Bausmuttee, „ „	29	0	0	0	0	0	0	0	0	0
„ Urrooah, „ „	26	0	40	0	18	0	16	0	16	0
„ Uttub, „ „	20	0	37	0	22	0	14	0	20	0
Salt, 1st sort, „ „	8	8	9	0	8	0	6	0	36	0
„ 2nd sort, „ „	8	12	10	0	0	0	6	0	40	0
„ Samber, „ „	0	0	0	0	3	8	0	0	0	0
„ Pangah, „ „	8	12	0	0	0	0	0	0	0	0
Soojee, „ „	4	0	8	0	8	0	7	0	2	0
Sugar, Cane, „ „	2	8	4	0	3	0	3	0	2	0
„ Date, „ „	0	0	5	0	0	0	0	0	3	8
Sugar-candy, „ „	1	2	1	4	1	4	1	0	1	8
Sukker, „ „	9	0	0	0	4	0	5	0	3	0
Straw, „ „	12	puns	500	bdls.	0	0	0	0	16	bdls.
Suttoo, „ „	12	0	0	0	0	0	8	0	0	0
Teel, „ „	14	0	15	0	14	0	4	0	8	0
Tobacco, „ „	6	8	10	0	7	0	8	0	6	0
Turmeric, „ „	4	4	8	0	6	0	4	0	5	0
Wheat, (Gaho,) „ „	19	0	40	0	0	0	0	0	13	5

NOTE.—The prices given on retail except those mentioning were on wholesale.

By order of the Board of Revenue, Lower Provinces,

E. T. TREVOR, *Secretary.*

Numb. 22. [489]

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1855.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1856.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

WEDNESDAY, MARCH 18, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 28th February 1857, and was referred to a Select Committee who are to report thereon after the 11th of June next:—

A Bill to amend Act IX of 1850.

WHEREAS it is expedient that the rate of diet money required to be deposited for the subsistence of a person imprisoned under a judgment of a Court of Small Causes, should be varied on due cause being shown; It is enacted as follows:—

Preamble.

I. It shall be lawful for a Judge of a Court of Small Causes holden under Act IX of 1850, on due cause being shown, to order that the diet money to be deposited for the subsistence of a prisoner taken in execution under a warrant of the Court shall be deposited after a rate of not less than one anna nor more than four annas for each day. Every such order may from time to time be revised and altered on due cause being shown.

Power to make and alter orders as to amount of diet money to be deposited for persons imprisoned under Small Cause Court judgments.

II. This Act shall be read with and taken as a part of Act IX of 1850.

Construction

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 530.

Fort William, Home Department,
The 13th March 1857.

Notification.—Messieurs J. R. Muspratt, G. P. Money and H. Brereton, of the Civil Service, reported their departure for England by the Steam Ship *Alma*, which vessel was left by the Pilot at Sea on the 10th Instant.

No. 531.

The Right Hon'ble the Governor General in Council is pleased to appoint Major G. Verner, of the 9th Bengal Native Infantry, to officiate as Commissioner of Arracan.

CECIL BEADON,
Secy. to the Govt. of India.

No. 1205.

Fort William, Foreign Department,
The 13th March 1857.

The Governor General in Council is pleased to appoint Captain W. B. Irwin, Assistant to the Resident at Nipal, and Commandant of the Residency Escort, to be second in Command of the 6th Regiment of Infantry, Gwalior Contingent, *vice* Captain A. G. Forsyth, who has obtained Regimental promotion.

No. 1206.

Captain W. G. Stoll, of the 2nd Madras European Light Infantry, is appointed to officiate as an Assistant Commissioner in the Martaban Provinces.

G. F. EDMONSTONE.
Secretary to the Government of India.

No. 15.

Fort William, Financial Department,
The 14th March 1857.

Notification.—Notice is hereby given, that the Salaries, Pay, Batta and Allowances of the Civil, Military, and Marine Departments, for the month of March 1857, will be payable as under:—

Military and Marine Departments, on Thursday, the 9th Proximo.

Civil Department, on Wednesday, the 15th Proximo.

By order of the Right Hon'ble the Governor General of India in Council,

C. HUGH LUSHINGTON,
Secy. to the Govt. of India.

No 39

Fort William, Public Works Department,
PUBLIC,
The 17th March 1857.

Appointments.—Mr W. Smith, Assistant Engineer, in charge of the Calcutta and Jessore Road, having passed the colloquial examination in the Hindoostanee language, is appointed an Executive Engineer of the 4th Class.

No. 40.

Park Serjeant Perceval Stephens, attached to the Dhoon Forest Department, is appointed an Assistant Supervisor in the Public Works Department.

No. 41.

Leave of Absence.—The Right Honorable the Governor General in Council is pleased to confirm the leave of absence, on Medical Certificate, granted by the Chief Commissioner Punjab to Lieutenant R. H. Tulloh, Assistant Engineer Second Class Peshawur Division, from the 1st February to 15th April next, to visit Calcutta preparatory to applying for sick leave.

No. 42.

Posting and Transfer.—Captain S B. Lamb, Her Majesty's 10th Foot, Executive Engineer of the 4th Class, is transferred from the Lahore and Mooltan Road, and posted to the charge of the Agra Section of the Agra and Bombay Road, *vice* Lieutenant G. E. Watson.

No. 43.

The services of Lieutenant-Colonel H. M. Durand, of Engineers, Officiating Superintending Engineer 1st Circle Bengal, are placed temporarily at the disposal of the Foreign Department for Civil employ.

W. E. BAKER, *Lieut.-Colonel,*
Secy. to the Govt. of India.

No 322.

Orders by the Lieutenant-Governor of Bengal.

Appointment.—*The 13th March* 1857.—Mr. S. H. C. Tayler, Officiating Magistrate of Behar, to officiate temporarily also as Collector of that District.

Leave of Absence.—*The 10th March* 1857.—Mr. T. Tweedie, Deputy Magistrate and Deputy Collector of Kalleegunge, for one week, under Clause 2 Section V. of the Uncovenanted Absentee Rules.

Baboo Iseer Chunder Mitter, Deputy Magistrate and Deputy Collector of Koolnah, for one month, under Section VI. of the Uncovenanted Absentee Rules.

The 16th March 1857.—Mr. A. J. Hay, Joint Magistrate and Deputy Collector of Govindpore, for seventeen days, under the Financial Notification dated 27th June last, making over charge of his office to Mr. R. C. Perry, Sub-Assistant Commissioner of Maunbhoom, who will conduct the duties thereof until further orders.

Notification.—*The 17th March* 1857.—Mr. G. A. Pepper of the Civil Service, reported his departure from India on the 10th Instant on the Steam Ship *Alma*.

E. H. LUSHINGTON,
In charge of the Office of the Secretary to the Govt. of Bengal at the Presidency.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 1182 of 1857.

Judicial Department,
Agra, the 9th March 1857.

Notification.—The services of Assistant Surgeon W. Crozier, now Civil Assistant Surgeon of Jubulpoor, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

Appointment.—Mr. John Wilson, of the Madras Medical Service, is appointed to be Civil Assistant Surgeon of Jubulpoor.

No. 1197 of 1857.

Leave of Absence.—Captain George R. Cookson, of the 4th Regiment Native Infantry, Cantonment Joint Magistrate of Meerut, for sixteen days' privilege leave, under the Military Rules, from the 2nd Instant, or from the date on which he may avail himself of the leave.

Appointments.—Captain Donald Macdonald, of the 20th Regiment Native Infantry, to perform the duties of Cantonment Joint Magistrate of Meerut, in addition to his own Regimental duties, during the absence of Captain G. R. Cookson.

No. 1305 of 1857.

The 11th March 1857.

Assistant Surgeon T. M. Lee, M. D., received charge of the Civil Medical duties of Almorah, on the 9th November 1856.

No. 1351 of 1857.

The 12th March 1857.

Lieutenant C. Baldwin, at present Officiating Assistant, is appointed to be an Assistant to the Commissioner of the Saugor and Nerbudda Territories.

Lieutenant J. H. Fitzgerald, to officiate as Assistant to the Commissioner of the Saugor and Nerbudda Territories, during the absence of Lieutenant Fenton, on Medical certificate, or till further orders.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No 971 of 1857.

General Department,
Agra, the 9th March 1857.

Appointment.—Lieutenant C. K. M. Walter, to be a Member of the Local Committee of Public Instruction at Ajmere.

No. 1170 of 1857.

Judicial Department.

Notification.—The leave of absence, for one month, granted in Orders of the 9th January 1857, to Mr. J. R. Walter, Civil Assistant Surgeon of Ghazeepore, is cancelled at his own request.

No. 1184 of 1857.

Leave of Absence.—Doobeh Jawala Pershad, Principal Sudder Ameen of Saharunpoor, for one week, under Section VII. of the new Uncovenanted Leave Rules, from the date he may avail himself of the leave.

No. 1215 of 1857.

Notification.—The under-mentioned Officers are vested with the ordinary powers of a Covenanted Assistant:—

Lalla Munohur Loll,	Tehseeldar	of Etawah.
Lalla Ishreepershaud,	do	of Bukhna.
Lalla Rambuksh,	do	of Phuppond.

No. 1248 of 1857.

Revenue Department.

Appointments.—Koour Doorga Pershad, Deputy Collector under Regulation IX. of 1833, in Budaon, to be Deputy Collector of Moozuffurnuggur.

Moheeb Ally, Officiating Deputy Collector of Moozuffurnuggur, to officiate as Deputy Collector of Budaon.

No. 1252 of 1857.

Judicial Department.

Leave of Absence.—Doondraj Shastre, Sudder Ameen of Jubbulpore, for fifteen days, under Section VII. of the Uncovenanted Leave Rules, from the date on which he may avail himself of the leave.

No. 1304 of 1857.

Revenue Department.

The 11th March 1857.

Notification.—Mr. J. S. Thornton, Deputy Collector for Survey and Settlement Operations in Zillah Chundeyree, to be Deputy Collector in Zillah Hoshungabad, for the same duties.

Nissar Ahmed, Deputy Collector of Hoshungabad, to be Deputy Collector for Survey and Settlement Operations in Zillah Chundeyree.

No. 1346 of 1857.

Judicial Department.

Leave of Absence.—Baboo Shama Churun Banergee, 2nd Principal Sudder Ameen at Goruckpoor, for two months, on urgent private affairs, under Section VII. of the Uncovenanted Leave Rules, from such date as he may avail himself of the leave.

By order of the Hon'ble the Lieutenant-Governor of the North-Western Provinces,

R. G. OLDFIELD,

Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, the 14th March 1857.

No. 405 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders:—

No 1148, *dated* 13*th March* 1857.—Assistant Surgeon H. A. Oldfield, Residency Surgeon in Nepal, resumed charge of his appointment from Assistant Surgeon J. Brown, on the 1st Instant.

The services of Assistant Surgeon Brown are replaced at the disposal of the Military Department.

With reference to the above, the services of Assistant Surgeon Brown are placed at the disposal of His Excellency the Commander in Chief.

No. 1150.—The Right Hon'ble the Governor General in Council is pleased to make the following appointments:—

Lieutenant General Sir James Outram, K. C. B., Chief Commissioner in Oude, (on special duty) to be Agent to the Governor General for the States of Rajpootana.

Colonel Sir H. M. Lawrence, K. C. B, to be Chief Commissioner and Agent to the Governor General in Oude.

Major C. Davidson, Resident at Baroda, to be Resident at the Court of His Highness the Nizam, in succession to Mr. G. A. Bushby, deceased.

Colonel Sir R. C. Shakespear, Kt., to be Resident at Baroda.

Lieutenant Monk Mason, Assistant to the Agent Governor General in Rajpootana, to be Political Agent in Joudhpore.

Lieutenant-Colonel G. St. P. Lawrence, Political Agent in Meywar, to act as Agent to the Governor General in Rajpootana, during the absence of Sir James Outram, or until further orders.

Captain C. L. Showers, Assistant to the Agent Governor General in Rajpootana, to act as Political Agent in Meywar.

Lieutenant-Colonel H. M. Durand, to act as Agent to the Governor General for Central India, during the absence of Sir Robert Hamilton, Bart., or until further orders.

No. 406 *of* 1857.—The following Notifications, from the Public Works Department, are published in General Orders:—

No. 33, *dated* 13*th March* 1857.—*Appointment.*—2nd Lieutenant E. W. Humphry, of Engineers, attached to the Sappers and Miners, to be a Probationary Assistant Engineer, and posted to the Burdwan Division Embankments.

No. 36, *dated* 13*th March* 1857.—*Leave of Absence.*—The Right Hon'ble the Governor General in Council is pleased to confirm the extension of leave granted by the Chief Commissioner Punjab, to Captain S. B. Faddy, Officiating Executive Engineer, Ferozepore, from the 1st February to 7th March, in continuation of leave granted to him by the Officiating Chief Engineer, from the 1st to the 31st January.

No. 37, *dated* 13*th March* 1857.—The leave of absence for two months granted to Lieutenant A. Taylor, Superintendent of the Lahore and Peshawur Road, in Notification No. 190 of the 28th November 1856, is cancelled at the request of that Officer.

No. 38, *dated* 13*th March* 1857.—The services of Lieutenant J. H. Lamb, of Artillery, Deputy Superintendent Cawnpore Division Ganges Canal, and Officiating Superintendent Etawa Division Ganges Canal, are placed at the disposal of the Hon'ble the Lieutenant Governor North Western Provinces.

No. 407 *of* 1857.—The following Notification, issued by the Hon'ble the Lieutenant-Governor North-Western Provinces, is published in General Orders :—

No. 1103, *dated* 6*th March* 1857.—*Appointment.*—Assistant Surgeon E. Taylor, 42nd Regiment Bengal Native Infantry, to officiate as Civil Surgeon of Saugor till the arrival at that station of Assistant Surgeon J. G. Kemp, appointed in Orders of the 30th January 1857.

No. 408 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick Certificate :—

Senior Surgeon Thomas Erskine Dempster, of the Medical Department, Superintending Surgeon of the Cawnpore Circle, ...	For twelve months, under the new Regulations.

This cancels the leave to Sea on Medical Certificate granted to Senior Surgeon T. E. Dempster, Superintending Surgeon Cawnpore Circle, in Government General Order No. 398 of the 18th Instant.

No. 409 *of* 1857.—Apothecary John McKimm, attached to Her Majesty's 24th Foot, is appointed to the Medical charge of the Baree Doab Canal Establishment, *vice* Apothecary C. Hayes, transferred to another situation.

Fort William, the 16*th March* 1857.

No. 410 *of* 1857.—Mr. Francis Fraser John Toke, whose appointment as a Cadet of Infantry on this Establishment was announced in Government General Order No. 15 of the 5th January 1857, having satisfied Government on the points of qualification prescribed by existing Regulations, is admitted to the service as a Cadet of Infantry on this Establishment, from the 10th Instant, and promoted to the rank of Ensign, leaving the date of his Commission for future adjustment.

No. 411 *of* 1857.—The following Order, issued by the Government of Bombay, is confirmed :—

No. 251, *dated* 4*th March* 1857.—Granting leave of absence to Europe, on Medical Certificate, to Major and Brevet Lieutenant Colonel William Anderson, of the 59th Regiment Native Infantry, Commandant of the Joudpore Legion, ...	For fifteen months, under the new Regulations.

Fort William, the 17*th March* 1857.

No. 412 *of* 1857.—The leave of absence granted by the Chief Commissioner Punjaub to Lieutenant C. J. Godby, Second in Command of the Guide Corps, from the 25th January to the 25th May 1857, to visit Calcutta, preparatory to applying for leave of absence on Sick Certificate to Europe under the new Regulations, is confirmed.

No. 413 *of* 1857.—The Regimental Order issued to the Guide Corps, dated 25th January 1857, appointing Lieutenant Q Battye, Commandant of Cavalry, to act also as Second in Command of the Regiment on the departure of Lieutenant C. J. Godby, on leave, is confirmed.

No. 414 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on Sick Certificate :—

Major and Brevet Colonel Thomas Forsyth Tait, C. B., of the 2nd European Bengal Fusiliers, (Aide-de Camp to the Queen), Acting Commandant of the 4th Irregular Cavalry, ...	For three years, under the old Regulations.
Captain and Brevet Lieutenant Colonel James Ramsay, of the 35th Regiment Light Infantry, Commissary General, ...	For fifteen months, under the new Regulations.
Captain and Brevet Lieutenant Colonel Philip Harris, of the 70th Regiment N. I., Commandant of the 5th Infantry Gwalior Contingent, ..	For three years, under the old Regulations.

No. 415 *of* 1857.—The services of the undermentioned Officers are placed at the disposal of the Foreign Department, those of Lieutenant Pierson as a temporary arrangement :—

Lieutenant W. S. Pierson, of the 54th Regiment Native Infantry, doing duty with the 3rd Regiment Sikh Infantry.

Lieutenant C. H. Byers, of the 70th Regiment Native Infantry.

No. 416 *of* 1857.—Subadar Rajah Khan, of the 27th Regiment Madras Native Infantry, is promoted from the 2nd to the 1st Class of the order of British India with the title of "Sirdar Bahadoor."

Subadar Letchmanen, of the Madras Gun Lascar Establishment, is admitted to the 2nd Class with the title of "Bahadoor."

From the 10th of November 1856, in succession to Subadar Major Yenkoo, of the 1st Class, deceased.

Subadar Soobarryah, of the 27th Regiment Madras Native Infantry, is admitted to the 2nd Class with the title of "Bahadoor," from the 24th October 1856, *vice* Subadar Ramasawmy, of the 2nd Class, deceased.

No 417 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Captain and Brevet Lieutenant Colonel John Clarke, of the 25th Regiment N. I., Deputy Commissioner in the Punjaub, Goojranwalla.... ...	For six months, under the new Regulations, embarking at Bombay.

R. J. H. Birch, *Colonel,*
Secy. to the Govt. of India,
in the Mily. Dept.

Notice.

THE General Treasury will be closed on Tuesday, the 24th Instant, on account of the Hindoo Holiday Baroonee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 13th March 1857.

Wanted.

By the Howrah Ferry Fund Committee,—an Overseer He must thoroughly understand the various descriptions of work under the control of the Ferry Fund Committee, including Surveying and the preparation of Plans and Estimates.

Salary—(100) one hundred Rupees, and (20) twenty Rupees travelling allowance,—in all (120) one hundred and twenty Rupees monthly.

This salary will be increased at the commencement of the next year on certain conditions, which, with all other particulars, may be learnt from the undersigned on any day of the current month.

No applications received after the 31st March.

J J. GREY,
Offg. Magistrate and Secy. to H. F. F. C.

HOWRAH,
The 10th March 1857.

Notice.

REQUIRED for the District Roads under the Ferry Fund Committee of Patna, a Superintendent well versed in English and Urdu, and having an intimate knowledge of drawing out Plans, Estimates, use of the Levelling Staff &c. &c. The Candidates should send in their Applications, with any Testimonials they have of their qualification and character, to the undersigned. The monthly pay of the appointment is fixed at Rupees 150.

J. M. LOWIS,
Offg. Magistrate, and Ex-Officio Secretary, Ferry Fund Committee.

PATNA MAGISTRACY,
The 24th February 1857.

SEALED TENDERS from Professional Builders only, will be received by the Civil Architect, in his Office, in Calcutta, up to 4 P. M., on Saturday 28th March 1857 —

For white-washing, sand-rubbing, painting and repairing Saint Stephen's Church at Kidderpore.

Time for execution—(2) two months.

Specification, forms of tender, and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in cash of one hundred (100) Rupees is required with each Tender, subject to forfeiture if the Tender be withdrawn.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office 28th March 1853, will be returned.

By order of the Chief Engineer Lower Provinces,

C. B. YOUNG, *Captain,*
Civil Architect.

TO BE sold, pursuant to a Decree of the Supreme Court of Judicature, at Fort William in Bengal, made in a certain Cause, wherein Bibee Mahar Abjoon is the Complainant, and Shaik Joomun Barber, and Bibee Jaun, Son and Daughter, Heirs and Representatives of Shaik Annis Barber, deceased, are the Defendants, with the approbation of William Macpherson, Esquire, the Master of the said Court, at his Office in the Court House, on a day to be hereinafter named, the following Property, that is to say :—

A lower-roomed house and premises, together with the piece of land thereto belonging, containing by estimation, more or less eight cottahs, situate at No. 13, Peeroo Khansamah's Lane, in Collingah, in Calcutta, yielding a monthly rent of Company's Rupees eight.

A piece or parcel of land, containing by estimation, more or less, seven cottahs, situate at No. 22½, Annis Barber's Lane, in Collingah, aforesaid, yielding a monthly rent of Company's Rupees two, four annas and nine pie.

A lower-roomed house, with a piece or parcel of land thereunto belonging, containing by estimation, more or less, two cottahs, situate at No. 2, Annis Barber's Lane, in Collingah, aforesaid, yielding a monthly rent of Company's Rupees twelve.

A piece or parcel of land or premises, containing by estimation, more or less, seven cottahs, situate at Karraya, in the Twenty-four Pergunnahs, yielding a monthly rent of Company's Rupees one and seven annas.

An upper-roomed family dwelling-house, with the piece or parcel of land, wherein the same is standing, containing by estimation, more or less, six cottahs, situate at Annis Barber's Lane, in Collingah aforesaid.

A piece or parcel of land or ground and premises, containing by estimation, more or less, fifteen cottahs, nine chittacks, and nine cauchas, situate at No. 3, Teratte Bazar, in Calcutta, yielding a monthly rent of Company's Rupees sixty, late the property of Shaik Annis Barber, deceased.

A piece or parcel of land, containing by estimation, more or less, seven cottahs and eight chittacks, situate at No. 13, Khoiro Matore's Lane, in Calcutta, yielding a monthly rent of Company's Rupees eight.

Particulars whereof may be had gratis, at the Office of Mr. Henry Harington Poe, of No. 1-1, Esplanade Row, Solicitor.

W. MACPHERSON,
Master.

H. H. POE, *Attorney.*

CALCUTTA SUPREME COURT;
Master's Office,
The 10th March 1857.

In the Supreme Court of Judicature at Fort William in Bengal.

NOTICE is hereby given, (in pursuance of an Order of the said Supreme Court, dated the Twenty-fifth day of February, now last past,) that on Saturday, the Eighteenth day of April now next ensuing, at eleven o'Clock in the forenoon, a Court will be holden. before Her Majesty's Justices of the said Court, at the Court House, in the Town of Calcutta, in Execution of a Writ of *Mandamus* issued out of Her Majesty's Queen's Bench, for the examination and cross-examinations *vivâ voce*, of Henry William Abbott, and other persons, Witnesses on the part of the Plaintiff, and for receiving other proofs therein, in a certain action now pending in the said Court of Queen's Bench, between Thomas Seddon Kelsall, Plaintiff, and Thomas Marshall, Defendant. Dated this 14th day of March, One thousand Eight hundred and fifty-seven.

H. HOLROYD,
Prothonotary.

DENMAN, HATCH AND DAVIS,
Attorneys for the Plaintiff.

Sheriff's Office, the 4th March 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature, at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the Thirtieth day of March Instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

শ'রফ আফিস ৪ মারর্চ ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামি ২০ মারর্চ ১৮৫৭ সাল সোমবার দুই প্রহরের সময় কলিকাতার ফোটউইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোট উই লমের সুপ্রেম কোর্ট আপন আদা ত ঘরে ওয়েরটরমিনর এবং এডমাইরেল্টী অর্থাৎ মহা সমুদ্র সম্পকীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান কতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,
Sheriff.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of the Asiatic Marine Insurance Office, being a Joint Stock Company, duly registered under an Act for the regulation of Registered Joint Stock Companies, adjudged to have committed an act of forfeiture, pursuant to the provisions of the Act No. XLIII. of 1850, passed by the Hon'ble the President of the Council of India in Council, on the 27th December 1850, entitled an Act for the regulation of Registered Joint Stock Companies.

On Saturday, the 7th day of February instant, it was ordered, that such of the Shareholders of the said Asiatic Marine Insurance Office resident in Calcutta or the suburbs thereof, as have neglected to pay the sum of Company's Rupees 2,000, at which they have been respectively further assessed by the Official Assignee of this Court, in respect of each share held by them respectively, in the said Company, do, on or before the 10th day of March next, pay to the said Official Assignee the said sum of Company's Rupees 2,0 0, to which they have been respectively assessed in respect of each share, or so much thereof as still remains unpaid; and that the Shareholders of the Asiatic Marine Insurance Office resident in Hong-Kong and in Bombay do, on or before the 10th day of May next, and that the Shareholders of the said Asiatic Marine Insurance Office resident in the Mauritius and in Great Britain, and all other places not herein Especifically mentioned, do, on or before the 10th day of September next, pay to the said Official Assignee the respective sums at which they have been respectively assessed, in respect of the shares held by them respectively in the said Asiatic Marine Insurance Office; and that in case any of the Shareholders of the said Asiatic Marine Insurance Office shall neglect to comply with the order, within the time hereby limited, the said Official Assignee shall be at liberty to apply to this Court that such defaulting Shareholders may be adjudged to have committed an act of Insolvency according to the provisions of the act No. XLIII. of 1850, passed by the Honorable the President of the Council of India in Council, on the 27th day of December 1850, entitled "an Act for the regulation of Registered Joint Stock Companies."

Denman, Hatch, and Davis, *Attorneys.*

Chief Clerk's Office, 16th Eebruary 1857.

In the matter of Samuel Henderson Scott, an Insolvent.

On Saturday, the 7th day of March Instant, it was ordered that the petition of the said Insolvent, filed on the 12th day of September 1854, seeking the benefit of the Act XI. Vic. cap. XXI., should be dismissed.

Paul and Carruthers, *Attorneys.*

In the matter of Samuel Henderson Scott, an Insolvent.

On Saturday, the 7ht day of March Instant, it was ordered that the petition of the said Insolvent, filed on the 8th day of February 1856, seeking the benefit of the Act XI. Vic. cap. XXI., should be dismissed.

Paul and Carruthers, *Attorneys.*

Chief Clerk's Office, 14th March 1857.

In the matter of Francis Bailey and others, Insolvents.

On Saturday, the 7th day of March Instant, it was ordered that the Assignee do pay and divide the sum of Company's Rupees 40,000, to and amongst all the creditors

pon the Estate of the said Insolvents, as a dividend at the rate of Company's Rupees 1 per cent upon such of the debts admitted in the Schedule of the said Insolvents, and claims proved, as have been duly substantiated in proportion to their several debts, and upon the other debts admitted in the Schedule, when and so soon as such debts or any of them shall be duly substantiated upon Affidavit filed in this Court, with liberty to the said Assignee to apply to the Court from time to time for directions respecting any debts or any other matter or thing relating thereto.

J. Cochrane, *Official Assignee.*

In the matter of Albert William Pinson, formerly a Lieutenant in the First Madras Native Infantry, and afterwards a Section Writer in the Foreign Department, and now an Assistant in the Military Department, an Insolvent.

On Thursday, the 12th day of March Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Downing, *Attorney.*

In the matter of Albert William Pinson, formerly a Lieutenant in the First Madras Native Infantry, and afterwards a Section Writer in the Foreign Department, and now an Assistant in the Military Department, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic cap. XXI., was filed in the Office of the Chief Clerk, on the 12th day of March Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Downing, *Attorney*

In the matter of Thomas Menzies, late of Mirzapore, carrying on business there, and at Cawnpore, as a Merchant and Agent, under the style and firm of T. Menzies and T. Menzies and Co., and afterwards in partnership with Bernhard Howard, of Mirzapore, at present residing in Calcutta, under the style and firm of T. Menzies and Co., an Insolvent.

On Saturday, the 14th day of March Instant, it was ordered that the hearing of this matter should stand adjourned until Saturday, the 21st day of March Instant, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest should be enlarged to the said 21st day of March Instant, and that the said Insolvent should then attend to be examined by the said Court.

Paul and Carruthers, *Attorneys.*

In the matter of Lucas Young, late of Sulkeah, in the 24-Pergunnahs, but at present residing at Jorasanko, in Calcutta, an Assistant to Messrs. Seton and Co., of Cossitollah, in Calcutta, Coach Builders, an Insolvent.

Notices, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 24th day of March Instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Beeby, *Attorney.*

Chief Clerk's Office, 16th March 1857.

Report showing the smallest Depth of Water in the Bhaugiruttee, Jellinghee, and Matabangah Rivers, also their rise and fall from 1st to 7th March 1857.

Names of Rivers.	*Smallest Depth of Water.* F.	I.	
Bhaugiruttee River.			
At its entrance ...	0	0	Closed.
Below the entrance ..	0	0	
From thence to Jungypore ...	0	0	
From Jungypore to Sadduckbaugh...	0	0	
From Sadduckbaugh to Berhampore ...	1	2	
From Berhampore to Cutwa ...	1	6	
And from Cutwa to Nuddea ...	1	10	
Jellinghee River.			
At its entrance ..	0	0	Closed.
From thence to Bausmarree ...	0	0	
From Bausmarree to Tecahkattah	0	0	
From Tecahkattah to Sonatullah ...	1	2	
And from Sonatullah to Moisgunge	1	8	
*Matabangah River.**			
At its entrance ...	4	0	
From thence to Haut Boleah ...	2	6	
From Haut Boleah to Katchikattah ...	1	8	
From Katchikattah to Kishengunge	1	10	
And from Kishengunge to Seebpore	3	0	

Height of water on Gauge at Berhampore, on the 7th March 1857 + 1 Foot 6½ Inches.

H. T. Forbes, *Lieut.*,

Supdt., Nuddea Rivers.

Berhampore, 13*th March* 1857.

* No change.

Calcutta Oveland Price Current.

MR. H. H. HILLS is authorised to sign all Bills, and to receive all Subscriptions for the above Publication.

GEORGE ACKLAND.

4, Hare Street,
4th March 1857.

THE INTEREST AND RESPONSIBILITY of Captain Henry William Craufurd, R. N., in the Bengal Indigo Company, ceased on the sixth of January 1857.

Notice.

THE INTEREST AND RESPONSIBILITY of Baboo Ramdhone Ghose in our Firm, ceased on the 1st instant, and Baboo Charoo Chunder Ghose has been admitted as a Partner.

AUSHUTOS DAY AND CO.

Calcutta, 7th March 1857.

Notice.

THE undersigned beg to notify that, from the date given below, they purchased and took over the Good-will, Stock, and Fittings-up connected with the late Business of W. STUBBS & Co.

The Firm will be hereafter carried on under the style of CARTNER, NEWSON AND CO., and will comprise in its details the usual transactions of BEER, WINE, SPIRIT, TEA AND CIGAR-MERCHANTS, OILMEN, AND GROCERS.

CARTNER, NEWSON & Co.

Calcutta, February 1st 1857.

LOST.—An unindorsed Bank of Bengal Sola Bill, No. 679, dated 24th December 1856, for Company's Rupees 10,000, payable to me or order, payment of which has been stopped at the Bank. Whoever will bring the same at No. 8, Lyon's Range, will be rewarded by Ramdone Ghose.

LOST.—A Government Promissory Note, or Company's Paper, No. 33863, of 30th June 1841-42, of the five per Cent. Loan, for Company's Rupees Seven Hundred, standing in the name of Heerjee Joota, and bearing his endorsement. Payment of the above Note, and of the interest thereon, has been stopped at the Loan Office, and an application made to Government for the issue of a duplicate Note, in favor of Hurgobind Roy Soorjeemull, the purchasers thereof from the said Heerjee Joota.

TEMPLETON AND CARAPIET,

Attorneys for Hurgobind Roy Soorjeemull.

3, Old Post Office Street,
Calcutta,
The 14th March 1857.

বিজ্ঞাপন।

এক কেতা গবর্ণমেণ্ট প্রামিসরি নোট অথবা কোম্পানির কাগজ নং ৩৩৮৬৩ তারিখ ৩০ জুন সন ১৮৪১।৪২ কোম্পানির সিকা ৫ পাঁচ টাকা শত করা সুদের দরুন মঃ কোম্পানির সিকা ৭০০০ সাত হাজার টাকার মূল্যের এবং হিরজি জুতার নামে ও তাহার ইণ্ডার্শ অর্থাৎ স্বাক্ষর করা খোয়া গিয়াছে ঐ কাগজের টাকা এবং সুদ লোন আফিসে বন্দকরা গিয়াছে এবং গবর্ণমেণ্টের সমিপে তাহার ডুপ্লিকেট নোট শ্রীহরগোবিন্দ রায় সুরজি মল খরিদারের নামে পাইবার প্রার্থনা করা গিয়াছে ইতি ১৮৫৭ সাল তারিখ ১৪ মার্চ।

টেম্পিল্টন ও কেরাপিএট।

উকীল তরফ শ্রীহরগোবিন্দ রায়।

সুরজি মল

মোং কলিকাতা।

নং ৩ পুরাতন ডাকঘরের রাস্তা।

LOST.—Second-half of a Bank of Bengal Note, No. 47010, for Rs. 50, the payment of which has been stopped at the Bank.

LOST.—First-half of a Bank of Bengal Note, new form. No. 29836, for Company's Rupees 25, the payment of which has been stopped at the Bank.

LOST.—Halves of Bank of Bengal Notes, No. 28628, for Rs. 10, and No. 22859, for Rs. 15, the payment of which has been stopped at the Bank.

LOST OR STOLEN.—(On its way to Ghazeepor by dâk,) the half of a Bank of Bengal Note, No. 33892, for Co.'s Rs. 100, the payment of which has been stopped at the Bank.

LOST.—The first-half of a Bank of Bengal Note, No. 24572, for Company's Rupees (10) ten, the payment of which has been stopped at the Bank.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent.
On the purchase of Government or other Securities, ...	1-4th per Cent.
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charges

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION;
Calcutta, 29th January 1855.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c

FOR 1857,

FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

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An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notifications.

No. 2077.

Overland Mail.

The Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, Aden, Penang, Singapore and Hongkong per P. and O. Co.'s Steamer "*Ava*," will be closed at this Office on Saturday, the 21st Instant.

1*st*.—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd*.—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd*.—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th*.—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th*.—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*.—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th*.—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th*.—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th*.—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th*.—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th*.—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th*.—Only one paper can be sent in one cover.

T. Garrett,

Offg. Deputy Post-master General.

Fort William; *General Post Office, The 13th March 1857.*

No. 3918.

Notice.

The Public are hereby informed, that Parcels, Pamphlets, and Books posted for despatch by Dâk Banghy on the 22nd and 23rd of December last for Stations on the North East line, have been plundered by Dacoits on the 23rd December last, between Barraset and Amdanga. The Magistrate of Barraset having recovered a portion of the plundered Dâk and transmitted them to this Office, all parties concerned will be good enough to send to the Post Office written Statements of their articles.

The above information is required for the Magistrate to assist the investigation and to admit of the parties receiving the portion of the articles which have been recovered.

Calcutta; *General Post Office, The 13th March 1857.*

T. Garrett,

Offg. Deputy Post-master General.

No. 3929.

MAIL STEAMER TO AUSTRALIA.

With reference to the Postal Notice of the 13th Ultimo regarding a monthly Mail between India and Australia by Steam Packets *viâ* Galle, the Public are informed that all Letters and Papers for the above Colony on which Steam postage is prepaid will be despatched from the Calcutta General Post Office to Galle to await the arrival of the Mail Steamer from Suez to Australia.

Letters and Papers which may be posted for Australia insufficiently stamped will be sent to their destination by sailing vessel as heretofore.

There being no special Steamer from the Presidency Towns to meet the Mail Contract Steamers at Galle to and from Australia and Suez, the Mail Packets will be conveyed by the Mail Contract Steamers thrice each month, with the Mails Overland and *viâ* the Cape, and the Public are requested to post their letters and papers accordingly.

The Mail Steamer will leave Galle to Australia on the 14th of every month till further notice.

Letters posted in India for conveyance by the Contract Packet, must be pre-paid at the following rates, which include Inland Postage, viz. :—

	Rs.	As.	P.
Not exceeding ½ Ounce	0	4	0
Exceeding ½ Ounce and not exceeding 1 Ounce	0	8	0

And so on, adding 8 Annas for every Ounce or fraction of an Ounce.

On Newspapers posted in India for the same conveyance, One Penny or Nine Pie must be pre-paid in Cash in addition to the usual Inland Postage, when despatched from a Mofussil Post Office or by an After Packet.

CALCUTTA ;
General Post Office,
The 13th March 1857.

T. GARRETT,
Officiating Deputy Post-master General.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the* "CALCUTTA GAZETTE" OFFICE, *No.* 54, *Council-House Street. for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette,

Published by Authority.

WEDNESDAY, MARCH 18, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee who are to report thereon after the 11th of May next :—

A Bill for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

Preamble.

WHEREAS it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the general Regulations of the Bengal Code: It is hereby enacted as follows:—

Territorial scope of Act.

1. This Act shall extend only to such parts of the territories under the Government of the Lieutenant-Governor of Bengal as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Calcutta shall possess the appellate and other Criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following :—

COURTS OF SESSION ;
COURTS OF THE MAGISTRATES ;
SUBORDINATE COURTS ; namely—

Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor General in Council shall from time to time pass.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

Ministerial officers

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

No person excepted from jurisdiction by reason of place of birth or of descent.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1*st*. Offences entered in Schedule A. of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II, whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorized as such officer, to investigate or report on any matter of law or fact;

Every head jailer;

Every darogha of police.

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Magistrates, their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A. of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts, their jurisdiction as to offences.

13. In cases tried by the Courts of Session in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Magistrates, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, first class, their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, second class, their penal jurisdiction.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Clauses 8 and 9 Chapter III of the Penal Code, in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorized to hold the preliminary inquiry into cases triable by the Session Courts, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

Subordinate Criminal Courts may be empowered to prepare cases for trial before the Session Court.

CHAPTER III.

PRELIMINARY RULES.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Complainants and witnesses to be examined without oath, affirmation, or warning.

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

No person excepted from Criminal Procedure by reason of place of birth or of descent.

CHAPTER IV.

OBTAINING A SUMMONS OR WARRANT.

1. Where an offence has been committed, or is suspected to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of preliminary inquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Summons.

3. The proceeding by arrest may be either—

Arrest.

(1.)—By warrant;
(2.)—Or by a private person without warrant;
(3.)—Or by an officer without warrant.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

Complaint.

5. Every complaint made before a magistrate or darogha of police, in order to the issuing of a summons or a warrant against a person accused of any offence, either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the magistrate or darogha of police issuing the summons or warrant.

To be reduced into writing and signed.

6. Upon such complaint duly made before a magistrate, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other magistrate or Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Magistrate, how to proceed on complaint.

7. Upon such complaint duly made before a darogha of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such darogha there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

Darogha of police, how to proceed on complaint.

8. Every summons issued by a magistrate or darogha of police to a person so accused shall be in writing, under the hand and seal of the magistrate or darogha of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a darogha of police, to appear before such darogha at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons, what it is to contain, and how to be directed.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Summons how to be served.

10. A magistrate or darogha of police may, notwithstanding such summons either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

Notwithstanding summons, warrant may issue in certain cases.

11. A magistrate of one district or darogha of one division may grant a warrant for the apprehension of a suspected offender within that district or division, as the

Warrant when grantable for an offence committed beyond local jurisdiction.

case may be, in respect of an offence of which the law takes cognizance, committed in a different district or division, or on the high seas, or in a foreign country.

Where an offence may be investigated and tried in one of two or more jurisdictions.

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether within the same Presidency or under the same Lieutenant-Governor or not, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. Where any offence shall be committed on any person, or on or in respect of any property, in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be inquired of and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division ; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be inquired of and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

Receiving, &c. stolen property.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Unlawfully receiving property.

18. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or converted such property, may be prosecuted and punished for any offence committed thereby.

Escape from lawful custody under sentence.

19. Any offender who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district where he shall be apprehended and re-taken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is mentioned, the term "inquired of" shall be deemed to comprise every proceeding preliminary to trial ; the term " determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender ; and the terms " prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial ; unless in any such case there be something in the subject or context repugnant thereto.

What is a district, and what a division.

23. The local jurisdiction of the magistrate of a zillah or district shall for the purposes of this Act be deemed a district ; and the local jurisdiction of a moonsiff or darogha of police

be deemed a division; provided that nothing herein contained shall be held as authorizing a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act.

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a darogha or nazir.

5. A warrant directed to a darogha of police or to a nazir may be executed by any officer subordinate to such darogha or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place be within the same Presidency, or under the same Lieutenant-Governor or not, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII Article 7 or Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Darogha how to proceed in such cases.

13. If the warrant under Chapter IV Article 11 shall have been granted by a darogha, the darogha shall send the person arrested to the magistrate, to whom such darogha is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

division of the district in which the division of the darogha who granted the warrant is comprised; in such case the darogha who granted the warrant shall send the person arrested to the darogha of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant, how to be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

No unnecessary restraint.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavor to arrest.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duty made, he cannot otherwise obtain admittance.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open a *zenanah* or female apartment.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Party arrested to be brought immediately to the authority mentioned in the warrant.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

No threat, promise, or caution, as to disclosure by party arrested.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

but shall, when necessary, apprize him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence for which a warrant may issue on complaint is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. A police officer, or other person, may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or darogha of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

Obstruction of a police officer in his duty.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the police division.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.

Arrest for an offence committed in the presence of a magistrate.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

Person arresting may re-take on escape, and deal with the party arrested as on original taking.

1. If a person lawfully arrested on a criminal information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to re-take any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the police darogha within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a darogha may, in the event of the darogha not being able to proceed in person, be executed by any officer subordinate to such darogha, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

When a magistrate may grant a search warrant out of his jurisdiction.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings, place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

5. Whenever a darogha shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

Search warrant when grantable by a darogha.

6. The darogha shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

How to be executed.

7. A darogha may require the darogha of another division, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

When a darogha may require a darogha of another division to issue a search warrant.

8. The darogha, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

Representations regarding anything for which search is to be made to be sent to magistrate.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

When the search is to be made.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of a zenanah or female apartment.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Property, &c. to be sent to the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE.

1. A darogha of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences into which the police officers may not inquire without special authority.

Offences under Chapter IX; provided that it shall be competent to a darogha to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a darogha to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the darogha may issue his warrant

shall be lawful for the darogha to issue his warrant to apprehend such person, and to cause him to be brought before such darogha.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such darogha before whom such a complaint is made, Instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such darogha.

When darogha shall issue summons.

4. Upon a complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inquire, and which is punishable with imprisonment for a period not exceeding six months, the darogha shall issue his summons to such person, requiring him to appear before such darogha.

When the darogha may stay issue of process.

5. In the event of its appearing to the darogha, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended. On the receipt of the darogha's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the darogha to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned

6. Upon the issue of process for causing the attendance of the accused, the darogha shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Darogha may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a darogha from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the darogha or other police officer to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other daroghas, whether subject to the same magistrate as himself or to the magistrate of any other district, whether such place be within the same Presidency or under the same Lieutenant-Governor or not.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the darogha, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a darogha or other police officer to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The darogha, or other police officer, shall complete the inquiry with as little delay as possible, and if the darogha himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district If a subordinate police officer have made the inquiry, he shall submit his proceedings to the darogha, who shall then proceed as if he had made the inquiry himself.

Accused not to be detained by the police beyond 48 hours, without special authority.

12. Provided that it shall not be lawful for the darogha or other police officer to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a darogha or other police officer, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The darogha shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Darogha how to proceed in cases of deficient evidence.

13. If it shall appear to the darogha that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

Proceedings of the darogha, of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the darogha shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The darogha shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A. as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

darogha shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the darogha may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

Police to report all apprehensions.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

Bail not to be excessive. Terms of security.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizance to appear before the magistrate.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

Witnesses not to be subjected to restraint.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the darogha to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

By whom the powers of the darogha may be exercised in his absence or illness.

21. The powers to be exercised by the darogha under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorized cognizance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How darogha is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the darogha shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

Contempt of lawful authority under Chapter X of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

Advocate General may file criminal charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

To follow the rules relating to charges.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

Prosecutions for certain offences not to be instituted but under authority of Government or of a duly empowered officer.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

Prosecution for certain offences under Chap. X of the Penal Code not to be instituted but with the sanction of the public servants concerned.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

Mode of proceeding in cases mentioned in the two last preceding Articles.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

Magistrate may issue his warrant.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article I. of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Postponement of issue of process.

May dismiss the complaint.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may direct bail to be taken.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

Magistrate may dispense with the personal attendance of the accused.

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usally resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magis trate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

To be in the presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

19 The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers ; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination ; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Examination to be admitted as evidence on the attestation of the magistrate.

No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Discretionary with the magistrate to take evidence for the defence.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

When Sudder Court or Session Court may direct the commitment of a person to whom a pardon may have been tendered.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

When Sudder Court or Session Court may direct a tender of pardon.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the magistrate to tender a pardon to one or more persons supposed

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

Sudder Court may revise proceedings when a pardon may have been tendered.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

Bail not to be taken for certain offences if proof of guilt.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him ; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

When may be taken.

When bail shall be taken.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

Recognizance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

Bail may be taken any time before conviction.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court ; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment, how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known ; but if it be not known, then a description of his person, stating the refusal to tell his name ; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol ; and if he be not, with his deputy ; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days ; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order ; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

How the offence is to be described.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

Absence of General Exceptions under the Penal Code to be assumed.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance ; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

Clause of the Penal Code containing an exception, not a General Exception.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

Heads of charge.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect :

Forms of Charge.

(a) I, A [*name and office of magistrate, &c.*], declare that there is hereby made against *Z* the Charge :

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code, *(c)* and within the cognizance of the [*style of the Court*].

On Clause 1 Chapter VI.

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate.*]

Where the magistrate tries the case, there must be substituted for *(c)*:
within my cognizance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*.

On Clause 4 Chap. VI applied to Clauses 3 Chap. VI and 28 Chap. XVI.

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

On Clause 7 Chap. VIII.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 1 Chap. IX.

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the [*style of the Court.*]

On Clause 6 Chap. XVI.

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 81 Chap. XVII applied to Clauses 2 and 80 of the same Chapter.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

Charge in cases falling within two or more Clauses of the Penal Code.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Two or more offences punishable under the same Clause.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

Cases of doubt as to the Clause which is applicable, or the offence which may be proved.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

Form of charge of more than one head.

11. When a charge contains more heads than one, the form shall be as follows, or to the same effect:

Forms of Charge.

I, A [*name and office of magistrate, &c*], declare that there is hereby made against Z the charge:

On Clauses 13 and 14 Chap. XII.

First: That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate, &c.*].

On Clauses 4 and 6 Chap. XVI.

First: That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 4 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 28 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

Amendment of charge.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

When the trial may be immediately proceeded with after amendment.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered, or trial suspended.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution

CHAPTER XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

Cases in which a Warrant on Complaint may issue against the Defendant.

Complaint and issuing of Process for causing the Attendance of the Accused.

Cases in which magistrate may issue a warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Summons instead of warrant.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with personal attendance of accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant indorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, whether in a district within the same Presidency or under the same Lieutenant Governor or not, and carried before the magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government

Summoning, &c., of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

lect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer may be committed to custody

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

To be in presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Bail and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Evidence for the defence

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Witnesses for the defence.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

CASES IN WHICH A SUMMONS ON COMPLAINT SHALL ISSUE TO THE DEFENDANT.

Complaint and issuing of Process for causing the attendance of the Accused.

Summons shall issue.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

When warrant may issue.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

Service of summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

When magistrate may refuse summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

If summons be not obeyed, warrant.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate may dispense with personal attendance of accused.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

Summons to witness to attend and give evidence.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

Diet money for witnesses.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Magistrate may summon necessary evidence.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Application of previous rules.

Bail.

10. If upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Defendant may be admitted to bail or to be at large upon personal recognizance.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

Admission by defendant of truth of complaint.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

Proceeding when no such admission is made.

in his defence ; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Adjournment.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties ; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable ; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable ; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

Cases how to be referred.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

Subordinate Criminal Courts to follow the same rules of procedure as the magistrate.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

Mode of proceeding in cases beyond jurisdiction.

4. In every case before a Sudordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more sev re punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

5. Provided that nothing in the last preceding Article shall be held to interfere with the exercise of power specially conferred upon a judge of a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with criminal offences to take their trial before the Session Courts.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

Place where investigation made, an open Court.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

1. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court.

Security to keep the peace.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

Personal recognizance without conviction.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

Security without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

For one year.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For more than one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

Imprisonment not to exceed period of recognizance and security.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty of personal recognizance.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

When magistrate may require security for good behaviour for one year.

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

How to proceed in cases beyond one year.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

Case to be laid before the Session Court.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Session Court may require security not exceeding three years.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

What the order for security is to contain.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

7. The magistrates are empowered, at all times to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

8. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XXI.

JURIES AND ASSESSORS.

1. The Governor General in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor General in Council may from time to time revoke or alter such Order.

Trials to be by jury.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor General in Council may see fit to extend this rule, registered according to such rules as the Governor General in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

Trial by jury, before the Session Court, of registered persons.

How the jury is to be constituted.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

Joinder of registered and non-registered persons.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

How the jury is to be constituted in such cases.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two-thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Number of which the jury is to consist.

Number of voices necessary to a verdict of guilty.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor General in Council shall from time to time direct.

Jury not to consist of less than three.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Trials before the Session Court with assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Who are capable of serving as jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor General of India in Council.

Sudder Court to make rules in regard to jurors and assessors.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

Cognizance of offences by the Session Court in original jurisdiction.

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty".

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Refusal to plead, or plea of "not guilty."

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

Witnesses for the defence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

Adjournment.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Jury or assessors to attend at adjourned sitting.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Delivery of opinions of assessors.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

Of verdict of jury.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

Difference of opinion between Sudder Court and Session Court as to offence proved.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

Hearing of case referred, tried by jury.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the Judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

4. The finding and sentence shall be recorded in the following form, or to the same effect :—

Form of finding and sentence.

In trials by Jury :

When the Jury are unanimous :

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [*sentence*].

2*nd*. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty :—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [*sentence*].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury (*or* the majority of the Jurors consisting of
of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (*or* the Court concurs in such finding and directs) that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials with Assessors :

7th. The Court, concurring with the Assessors, (*or* one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge ; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be [*sentence.*]

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge ; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code ; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors :

10th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [*sentence*].

11th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft,, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

12th. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [*sentence*].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged. .

Conviction of offences punishable cumulatively

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court ; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be ne-

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Judgment on offender already imprisoned under sentence for another crime.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

Party tried upon formal charge not liable to renewed prosecution.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements of calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI.

APPEALS.

No appeal in cases of acquittal.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

Appeal in cases of conviction.

2 An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidenceto be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

Appeals from orders in proceedings other than trials.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of subordinate Courts.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTORS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence cpenalties ..	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem..	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence.	Idem	Idem	Idem..	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ¼ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	

CHAPTER V.—OF PRINCIPALS AND ABETTORS.—*(Continued.)*

1. Clause	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅛ of the longest term, or fine, or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Not bailable	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer. Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. *Exception*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty	6. When admitting of cumulative Punishment.
3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8	Rioting armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5. relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both.	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade ..	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property.	Idem	Idem	Idem	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c., in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed ; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c., in a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the notice or information required respects the commission of an offence, &c.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative. Clause 1,

15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorized sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding.	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence.	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.	
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.	
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.	
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5 Penalty.	6. When admitting of cumulative Punishment.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Session Court	Same as for giving such evidence.	
8	Using as a true certificate one known to be false in a material point.	Idem	Idem	Idem.	
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.	
10	Using as true any such declaration known to be false.	Idem	Idem	Idem.	
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
	If punishable with less than 14 years' imprisonment.	Idem	By the Court by which the offence is tria le.	Idem not exceeding ½ longest term and fine, or both.	
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate	Imprisonment of either description to 6 months, or fine, or both.	
13	Giving false information respecting an offence committed.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.	
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.	
18	Fraudulently sufferring a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Idem	Idem	Idem.	

19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure...	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender if the offence be capital ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem . ..	Session Court	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.
	If with imprisonment to 1 year and not to 14 years..	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.			

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Bailable	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to appehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to 14 years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than 14 years.	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant.	Idem	Magistrate as limited by Chapter 11, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Simple imprisonment not exceeding 2 years, or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to 14 years.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 14 years or upwards.	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine.	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment..	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.

Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5 Penalty.	6. When admitting of cumulative Punishment.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding seven years, also liable to fine.	
9	Import or export of counterfeit Coin knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine not exceeding 10 years, and fine.	
13	Knowingly delivering to another any counterfeit Coin as genuine, which when first possessed the deliverer did not know to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument.	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 5 years, also fine.
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 10 years, also fine.
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.
26	Delivery to another of Coin as genuine which when first possessed the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.
30	Sale of counterfeit Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.
32	Using as genuine a Government Stamp known to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years or fine, or both.
34	Using a Government Stamp known to have been before used.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
35	Erasure of mark denoting that Stamp has been used.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure ..	Idem	Idem	Idem .. ..
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem .. ..
5	Making or selling false weights or measures for fraudulent use.	Idem	Idem	Idem .. ..

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Knowingly disobeying any rule of the quarantine laws.	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
6	Selling any food or drink as food and drink for man knowing the same to be noxious.	Idem	Idem	Idem.	
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	
8	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	
10	Defiling the water of a public spring or reservoir ..	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupess 500, or both.	
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.	
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	

16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
18	So dealing with any explosive substance ..	Idem	Idem	Idem.	
19	So dealing with any machinery	Idem	Idem	Idem.	
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.	
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Idem	Idem	Idem.	
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.	
23	Continuance of nuisance after injunction to discontinue.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
24	Sale, &c. of obscene books, &c. .. .. .. *Exception.*—Not to extend to any representation on or in any Temple or on any car used for the conveyance of idols.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
25	Having in possession obscene book, &c., for sale or exhibition.	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship.	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem..	Idem	Idem..	Idem.
5	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life.	Idem	Idem	Death	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding 14 years, and also fine.	
8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.	
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.	
10	Attempt to commit murder and doing any act, &c. with such intention or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.	
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.	
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.	
	Of the causing of Miscarriage, of injuries to unborn Children, of the exposure of Infants, and of the concealment of Births.				
14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If the woman be quick with child	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	

15	Causing miscarriage without woman's consent ..	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above-mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36 ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem m	Imprisonment of either description not exceeding 7 years, also liable to fine.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Hurt.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees, 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of wrongful Restraint and wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	

46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.
48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c	Idem	Idem	Idem.
51	While keeping a person in wrongful confinement, omitting to furnish him with any thing necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.

Of Criminal force and Assault.

55	Using criminal force otherwise than on grave provocation.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
57	Using criminal force in attempt to murder ..	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
59	Assault or criminal force with intent to dishonor a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or subordinate Criminal Courts, 1st class	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
62	Using criminal force on grave and sudden provocation.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.
63	Assault in cases not specially provided for when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder ..	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person.	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave. ..	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves.	Not bailable	Idem	Idem.	
76	Unlawful compulsory labor.	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine.	Cumulative.

Of Rape.

78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by Clerk or Servant of property in possession of Master or Employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Extortion.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Not bailable	Session Court..	Imprisonment of either description not exceeding 5 years, also liable to fine.	

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.	
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.	
16	Voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
18	Murder in Dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
19	Robbery or dacoity with attempt to cause death or grievous hurt.	Idem	Idem	Imprisonment not less than 7 years.	
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.	
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.	
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.	
24	Being one of 5 or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.	

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's own use.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
29	Criminal breach of trust by a clerk or servant ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen.	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
34	Habitually dealing in stolen property	Idem	Idem	Idem.
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Cheating.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
38	Cheating	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.	
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.	
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.	
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.	
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.	
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.	

Of Mischief.

49	Mischief	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

69	Criminal trespass	Bailable	Magistrate, or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Trespass—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	When admitting of cumulative Punishment.
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-tresspass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life or rigorous imprisonment not exceeding 14 years and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year added to one-third of the longest term for the offence intended, and also fine.	
75	House-tresspass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking. ..	Idem	Idem	Idem..	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking, house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 7 years, also liable to a fine.	

85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	Idem.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Forgery or using a forged document with intent to injure or deceive.	Idem	Idem	Idem	
5	Forgery of a record of a Court of Justice or of a Register of Births, &c. kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.	
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.	
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
8	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
10	Uttering or using as genuine a forged document which is known to be forged	Idem	Idem	As for forgery.	
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
13	Having possession of a valuable security or will knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.	
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.	

1 Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Not bailable	Session Court	Imprisonment of either description not exceeding 10 years, also liable to fine.	
17	Fraudulently destroying or defacing, or secreting a valuable security.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
	Of Trade and Property-Marks.				
22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.	
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 7 years, or fine, or both.	
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.	
28	Making use of any such false mark	Idem	Idem	Idem.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Idem	Idem	Idem.	

CHAPTER XIX.— THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.
2	A Seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.
3	Being bound to attend on or supply the want of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200 or both.
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.
2	A woman committing the same offence with a man ...	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.
3	Marrying again during the life-time of a husband or wife.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
5	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.
6	Adultery	Idem	Session Court or Magistrate ..	Imprisonment of either description not exceeding 5 years, or fine, or both.
7	Enticing or taking away a married woman.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.

CHAPTER XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter knowing it to be defamatory.	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	If threat be to cause death or grievous hurt, &c. ...	Idem	Idem	Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.	
6	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.	

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.	

W. MORGAN,

Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

Numb. 23. [501]

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1858.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt of India.

SATURDAY, MARCH 21, 1857.

Notifications, Appointments, &c.

No. 551.

Fort William, Home Department,
The 18th March 1857.

Notification.—The Furlough available by the expiry of that of Mr. L. B. Bowring is assigned to Mr. W. A. Forbes, of the Civil Service, for three years, from the date of his embarkation for Europe.

No. 552.

The 20th March 1857.

The Right Hon'ble the Governor General in Council is pleased to grant Mr. D. Eliott, Member of the Legislative Council, leave of absence to England, on Medical certificate, under Section 10 Chapter II. of the Absentee Rules, for a period of six months, from the date of the sailing of the Vessel in which he may embark.

No. 553.

The Furlough available by the expiry of that of Mr. R. Marriott is assigned to Mr. C. S. Belli, of the Civil Service, for three years, from the date of his embarkation for Europe.

CECIL BEADON,
Secy. to the Govt. of India.

No. 1237.

Fort William, Foreign Department,
The 20th March 1857.

The Governor General in Council is pleased to make the following appointments:—

Lieutenant W. S. Pierson, Acting Adjutant 3rd Regiment Sikh Infantry, to act as Adjutant of the 2nd Infantry Gwalior Contingent, *vice* Lieutenant Clarke, appointed to another Corps.

Lieutenant C. H. Byers, 70th Regiment N. I., to be Assistant to the Resident at Nipal and Commandant of the Residency Escort, *vice* Captain Irwin.

No. 1238.

With reference to G. O. dated 23rd January last, No. 338, Captain W. B. Irwin, Assistant Resident in Nipal and Commandant of the Residency Escort, resumed charge of his duties on the 5th instant.

No. 1239.

Captain E D. R. Ross, Officiating Assistant to the General Superintendent of Operations for the Suppression of Thuggee and Dacoitee at Etawah, assumed charge of his duties from Captain T. H. Chamberlain on the 2nd instant.

No. 1240.

Nund Kishore, Extra Assistant Commissioner in Oudh, has obtained leave of absence, under Section 6 of the Uncovenanted Leave Rules, for one month, from the date on which he may avail himself of it.

No. 1241.

Captain T. Clerk, Superintendent of the Astagram Division in Mysore, has obtained leave of absence, under the Military Rules, for thirty days, from the 1st instant, to proceed to the Neilgherry Hills and Western Coast.

Lieutenant A. J. Bruce, 14th Regiment Madras N. I., Junior Assistant to the Commissioner of Mysore, left the Mysore Territory on the 25th ultimo, for the purpose of joining his Regiment proceeding on service.

G. F. EDMONSTONE,
Secy. to the Govt. of India.

No 44.

Fort William, Public Works Department,
PUBLIC.
The 20th March 1857.

Appointment.—The Right Hon'ble the Governor General in Council is pleased to attach Baboo Poosono Coomar Banerjee permanently to the Department Public Works, Lower Provinces, as an Assistant Overseer, from the 1st November 1856.

W. E. BAKER, *Lieut.-Colonel,*
Secy. to the Govt. of India.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 1385 of 1857.
Judicial Department,
Agra, the 13th March 1857.

Leave of Absence.—Mr. William McChlery, Officiating Magistrate and Collector of Azimgurh, for fifteen months, to proceed to Europe, on Medical certificate, under Section VI. of the new Rules, with the usual preparatory leave to reach the Port of Embarkation, from the 25th instant, or such subsequent date as he may avail himself of the leave.

Appointment.—Mr. Brand Sapte to officiate as Magistrate and Collector of Azimgurh. during the absence on leave of Mr. W. McChlery, or till further orders.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 1380 of 1857.
Judicial Department,
Agra, the 13th March 1857.

Leave of Absence.—Rae Bissesur Dyal, Sudder Ameen of Azimgurh, for eight days, from the 2nd to the 9th instant, on private affairs, under Section VII. of the Uncovenanted Leave Rules.

No. 1387 of 1857.

Notification.—The under-mentioned Officers, exercising the powers of a Deputy Magistrate, are invested with authority to receive complaints under Act X. of 1854, in Zillah Boolundshuhur :—

Hoosein Allee Khan,	Tehseeldar of	Khoorja.
Usghur Allee	ditto	Secundrabad.
Muzhur Allee	ditto	Debaee.

By order of the Hon'ble the Lieutenant-Governor of the North-Western Provinces,

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 19th March 1857.

No. 418 *of* 1857.—The following Notification, from the Home Department, is published in General Orders :—

No. 531, *dated* 17*th March* 1857.—The Right Hon'ble the Governor General in Council is pleased to appoint Major G. Verner, of the 9th Bengal Native Infantry, to officiate as Commissioner of Arracan.

No. 419 *of* 1857.—The following Notification, from the Foreign Department, is published in General Orders :—

No. 120, *dated* 13*th March* 1857.—The Governor General in Council is pleased to appoint Captain W. B. Irwin, Assistant to the Resident at Nepal and Commandant of the Residency Escort, to be Second in Command of the 6th Regiment of Infantry Gwalior Contingent, *vice* Captain A. G. Forsyth, who has obtained Regimental promotion.

No. 420 *of* 1857.—The following Notifications, from the Public Works Department, are published in General Orders :—

No. 41, *dated* 17*th March* 1857.—*Leave of Absence.*—The Right Hon'ble the Governor General in Council is pleased to confirm the leave of absence, on Medical certificate, granted by the Chief Commissioner Punjaub to Lieutenant R. H. Tulloh, Assistant Engineer Second Class Peshawur Division, from the 1st February to 15th April next, to visit Calcutta, preparatory to applying for sick leave.

No. 42.—*Posting and Transfer.*—Captain S. B. Lamb, Her Majesty's 10th Foot, Executive Engineer of the 4th Class, is transferred from the Lahore and Mooltan Road, and posted to the charge of the Agra Section of the Agra and Bombay Road, *vice* Lieutenant G. E. Watson.

No. 43.—The services of Lieutenant-Colonel H. M. Durand, of Engineers, Officiating Superintending Engineer 1st Circle Bengal, are placed temporarily at the diposal of the Foreign Department for Civil employ.

No. 421 *of* 1857.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, are published in General Orders :—

No. 1182, *dated 9th March* 1857.—The services of Assistant Surgeon W. Crozier, now Civil Assistant Surgeon Jubulpore, are, at his own request, placed at the disposal of His Excellency the Commander-in-Chief.

No. 1197.—*Appointment.*—Captain Donald Macdonald, of the 20th Regiment Native Infantry, to perform the duties of Cantonment Joint Magistrate of Meerut, in addition to his own Regimental duties, during the absence* of Captain G. R. Cookson.

* On sixteen days' privilege leave.

No. 1357, *dated* 12*th March* 1857.—Lieutenant C. Baldwin, at present Officiating Assistant, is appointed to be an Assistant to the Commissioner of the Saugor and Nerbuddah Territories.

Lieutenant J. H. Fitzgerald, to officiate as Assistant to the Commissioner of the Saugor and Nerbudda Territories, during the absence of Lieutenant Fenton, on Medical certificate, or till further orders.

No. 422 *of* 1857.—The Pay, Batta, and other Allowances, for March 1857, of the Troops at the Presidency, and at the other Stations of the Army, will be issued on or after Thursday, the 9th proximo.

No. 423 *of* 1857.—Major General Sir Henry Barnard, K. C. B., of Her Majesty's Service, whose appointment to serve on the General Staff of the Army in the East Indies was announced in General Order Queen's Troops, dated 30th January 1857, having reported his arrival, is admitted on the General Staff of this Presidency from this date.

No. 424 *of* 1857.—The Regimental Order issued to the 3rd Regiment Sikh Infantry, dated the 17th February 1857, directing Captain R. Renny, Commandant, to assume charge also of the Adjutant's Office from the 11th February 1857, the date on which Captain J. P. W. Campbell, Second in Command and Officiating Adjutant, was appointed to officiate as Staff Officer of the Punjaub Irregular Force, is confirmed.

No. 425 *of* 1857.—The undermentioned Officers reported their departure on the dates specified opposite to to their respective names :—

Captain and Brevet Major L. F. Forrest, of the 40th Regiment Native Infantry, Commandant of Cavalry United Malwa Contingent, retired from the 20th January 1857. G. G. O. No. 215, of the 6th February 1857...	*Earl of Balcarras*, 5th March 1857, from Bombay.

Captain J. A. Angus, of the 9th Regiment Native Infantry, on Furlough for 3 years. G. G. O. No. 1320, dated 24th October 1856... ... } *Bombay*, 6th March 1857, from Bombay.

Brevet Colonel J. Manson, of the 53rd Regiment Native Infantry, on Furlough for 2 years. G. G. O. No. 304, dated 24th February 1857 ... ...

Captain and Brevet Lieutenant Colonel H. H. Lloyd, of the 72nd Regiment Native Infantry, on leave for 18 months. G. G. O. No. 358, dated 5th March 1857 ... ...

Brevet Major F. C. Burnett, of Artillery, on leave for 3 years. G. G. O. No. 348, dated 3rd March 1857 ... ...

Brevet Major J. H. Maxwell, of Engineers, Executive Engineer Sealkote Division of Public Works, on leave for 3 years. G. G. O. No. 348, dated 3rd March 1857 ...

Captain J. P. Beadle, of Engineers, Superintendent of Embankments D. P. W. Lower Provinces, on leave for 15 months. G. G. O. No. 351, dated 3rd March 1857 ...

Captain C. P. Lane, of the 6th Light Cavalry, on Furlough for 3 years. G. G. O. No. 329, dated 27th February 1857 ... ...

Captain E. Thompson, of the 1st Regiment Native Infantry, on Furlough for 3 years. G. G. O. No. 347, dated 3rd March 1857

Captain R. C. Barclay, of the 68th Regiment Native Infantry, on Furlough for 3 years. G. G. O. No. 347, dated 3rd March 1857

Lieutenant S. Chalmers, of the 53rd Regiment Native Infantry, Sub-Assistant Commissary General, on leave for 15 months. G. G. O. No. 376, dated 7th March 1857

Lieutenant J. A. H. Moore, of the 23rd Regiment Native Infantry, Adjutant of the Shikawattee Battalion, on leave for 15 months. G. G. O. No. 287, dated 20th February 1857 ... ...

Lieutenant F. D. Ogilvie, of the 46th Regiment Native Infantry, on leave for 3 years. G. G. O. No. 357, dated 4th March 1857

Assistant Surgeon T. Hastings, Civil, East Burdwan, on Furlough for 3 years. G. G. O. No. 329, dated 27th February 1857 } *Alma*, 10th March 1857.

Colonel J. T. Boileau, of Engineers, Chief Engineer D. P. W., N. W. P., retired. G. G. O. No. 312, dated 24th February 1857

Brevet Colonel J. Fordyce, of Artillery, on leave for 3 years. G. G. O. No. 209, dated 6th February 1857 ... ...

Major and Brevet Lieutenant-Colonel A. C. Scott, of the 70th Regiment Native Infantry, on Furlough for 2 years. G. G. O. No. 158, dated 29th January 1857 ...

Captain F. V. R. Jervis, of the 56th Regiment Native Infantry, on leave for 3 years. G. G. O. No. 163, dated 30th January 1857

Captain J. L. Walker, of the 71st Regiment Native Infantry, on leave for 18 months. G. G. O. No. 188, dated 3rd February 1857

Captain F. O. Salusbury, of the 1st European Bengal Fusiliers, on Furlough for 3 years. G. G. O. No. 271, dated 17th February 1857 ...

Senior Surgeon J. Grant, of the Medical Department, Superintending Surgeon, Agra Circle, on leave for 15 months. G. G. O. No. 323, dated 25th February 1857 ...

Lieutenant T. C. Anderson, 12th Regiment Native Infantry, on leave for 3 years. G. G. O. No. 294, dated 28th February 1857 ... } *Marlborough*, 10th March 1857.

Lieutenant-Colonel J. L. Taylor, of the 26th Light Infantry, on leave for 3 years. G. G. O. No. 247, dated 13th February 1857

Captain P. A. Young, of the 3rd Regiment Native Infantry, on Furlough for 3 years. G. G. O. No. 329, dated 27th February 1857 } *Prince of Wales*, 10th March 1857.

Captain and Brevet Major J. Gordon, of the 3rd Regiment Light Cavalry, retired. G. G. O. No. 350, dated 3rd March 1857 ...

Surgeon G. C. Wallich, M. D., of the Medical Department, on leave for 18 months. G. G. O. No. 186, dated 2nd February 1857 ... } *Queen*, 10th March 1857.

Captain B. M. Loveday, of the 15th Regt. N.I., on Furlough for 2 years. G. G. O. No. 342, dated 3rd March 1857 ...

Assist. Surgeon C. R. Francis, M. B., Medical Department, on leave for 18 months. G. G. O. No. 365, dated 6th March 1857 ... ... } *Alfred*, 13th March 1857.

Lieut. J. F. Templer, of the 3rd European Regt., on leave for 3 years. G. G. O. No. 348, dated 3rd March 1857 ... } *British Trident*, 14th March 1857.

Lieut. Colonel R. McNair, of the 17th Regiment N. I., on leave for 8 months. G. G. O. No. 397, dated 13th March 1857 ... ...

Brevet Lieut. Colonel G. Cautley, of the 8th Regt. Light Cavalry, on leave for 2 years. G. G. O. No. 383, dated 10th March 1857 .. .. } *Scotland*, 16th March 1857.

Senior Surgeon T. E. Dempster, Superintending Surgeon Cawpore Circle, on leave for one year. G. G. O. No. 408, of the 14th instant ...

No. 426 *of* 1857.—The Order issued by the Officer Commanding at Dera Ismael Khan, dated 10th February 1857, directing Assistant Surgeon J. E. Tuson, of the 1st Punjaub Cavalry, to resume Medical charge of the Civil Establishments and Jail and of the 6th Police Battalion at that Station from Sub-Assistant Surgeon Soorjee Coomar Mookerjee, with effect from the 25th January 1857, is confirmed.

No. 427 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment :—

HYDRABAD CONTINGENT.

4th Infantry.

Assistant Surgeon B. Williamson, of the Madras Establishment, Officiating, to the Medical charge, *vice* Surgeon Orr, appointed to another situation.

No. 428 *of* 1857.—Assistant Surgeon Thomas Travers Sherlock, B. A., of the Medical Department, is allowed leave of absence for two months, to visit Madras, on private affairs.

Fort William, 20th March 1857.

No. 429 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to

make the following promotion and alteration of rank :—

1st Regiment Light Cavalry.

Lieutenant Sir John Hill, Baronet, to be Captain of a Troop, *vice* Captain George Henry Sandham, deceased, with rank from the 1st January 1857, *vice* Captain A. Harris, promoted.

Alteration of Rank.

Rank and Names.	To rank from	In whose room.
Captain H. Forbes ..	25th Oct. 1856	Captain G. H. Sandham, deceased.
Captain F. C. J. Browalow	23rd Nov. 1856	For the Augmentation.
Lieutenant R. W. Dent ..	25th Oct. 1856	Lieutenant H. Forbes, promoted.

No. 430 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Captain Alexander George Davidson, of the 29th Regiment Madras Native Infantry, 1st Assistant to the Commissioner of Ajmere ... } For fifteen months, under the new Regulations, embarking at Bombay.

No. 431 *of* 1857.—The services of Assistant Surgeon J. Elliot, M. D., are placed at the disposal of the Hon'ble the Lieutenant-Govern or of Bengal.

No. 432 *of* 1857.—The leave of absence granted by the Chief Commissioner Punjaub to Lieutenant J. Williamson, Second in Command of the 5th Punjaub Infantry, from the 2nd April to the 2nd July next, to visit Bombay, preparatory to applying for leave of absence on Sick certificate to Europe, under the new Regulations, is confirmed.

No. 433 *of* 1857.—Third Class Sub-Assistant Surgeon Rajchunder Dutt, who was nominated for employment in the Assam Longitudinal Survey; is, at the recommendation of the Medical Board, dismissed from the Service.

No. 434 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment :—

1st Regiment Sikh Infantry.

Assistant Surgeon C. A. Poole, to the Medical charge, *vice* Assistant Surgeon Thom, resigned.

No. 435 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotions :—

Corps of Engineers.

Lieutenant Colonel William Erskine Baker to be Colonel ...
Major John Rawdon Oldfeild to be Lieutenant Colonel..
Captain and Brevet Major John Laughton to be Major ...
First Lieutenant Charles Waterloo Hutchinson to be Captain ...
Second Lieutenant Arthur Moffatt Lang to be First Lieutenant ...

} From the 10th March 1857, in succession to Colonel John Theophilus Boileau, retired.

3rd Regiment Light Cavalry.

Lieutenant George Archibald Galloway to be Captain of a Troop, from the 10th March 1857, *vice* Captain and Brevet Major James Gordon, retired.

60th Regiment Native Infantry.

Lieutenant William Thurlow Baker to be Captain of a Company ...
Ensign George Anthony Aufrére Baker to be Lieutenant ...

} From the 24th January 1857, in succession to Captain George Coare, deceased.

No. 436 *of* 1857.—The under mentioned Officer is permitted to proceed to Europe on Furlough on private affairs :—

Lieutenant Osborn Wilkinson, of the 10th Regiment Light Cavalry ... } For three years, under the old Regulations.

No. 437 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on Sick certificate :—

Brevet Colonel Sir Archibald Bogle, Kt., of the 42nd Regiment Light Infantry, Commissioner of the Tenasserim and Martaban Provinces .. } For fifteen months, under the new Regulations.

Lieutenant Robert Cadall, of the 20th Regiment Native Infantry, Quarter Master of the Kelat-i-Ghilzie Regiment ... } For fifteen months, under the new Regulations.

Lieutenant Arthur Cory, of the 16th Regiment Native Infantry (Grenadiers), Adjutant of the 3rd Irregular Cavalry } For fifteen months, under the new Regulations.

Lieutenant Christopher James Godby, of the 36th Regiment Native Infantry, Second in Command of the Corps of Guides ... } For fifteen months, under the new Regulations

Brevet Colonel John Edmondstoune Landers, of the 9th Regiment Native Infantry... } For three years, under the old Regulations.

No. 438 *of* 1857.—The under-mentioned Officer has returned to his duty on this Establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors :—

	Date of Arrival at Fort William.
Lieutenant Charles Battine, of the 14th Regiment Native Infantry, Assistant Commissioner in the Punjaub, Googaira, on leave for ten months,* from 28th May 1856 ...	19th March 1857.

* G. G. O. No. 14 of 1857.

No. 439 *of* 1857.—The under-mentioned Gentlemen are admitted into the Service, in conformity with their appointment by the Hon'ble the Court of Directors, as Cadets of Infantry on this Establishment, and promoted to the rank of Ensign, leaving the dates of their Commissions for future adjustment :—

Infantry.	*Date of Arrival at Fort William.*
Mr. William Swynfen Jervis...	19th March 1857.
„ Marshall Deverell Smith...	
„ Charles Gregory Way....	
„ Edmund Flemyng Tritton	

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India in the Mily. Dept.

Notice.

THE following Packages having remained unclaimed on the Custom House Wharf upwards of six months, will be sold for the realization of Duty and other charges without further notice, if not cleared on or before the 31st Instant:—

Date of Landing.		Mark or Address of Packages.	Ships.
1856 July ..	10th,	1 Iron Bolt, no mark, ...	Coldstream.
Ditto ...	15th,	1 Bar Angle Iron, ditto, ...	Evadne.
Ditto ...	24th,	1 Case unknown, marked in diamond G, G A, No. 3, ...	Gleaner.
August ..	4th,	5 Barrels Gunpowder, marked 40 in diamond, S D & Co.....	Bucephalus.
Ditto .	„	4 Barrels ditto, marked 17 in diamond, W T F, ...	Ditto.
Ditto ..	6th,	3 Small Bags Pepper and 1 Bag Betel-nuts, ...	Alert.
Ditto ..	8th,	6 Crates Merchandise, marked B. N., ...	Cumberland.
Ditto ..	11th,	130 Bundles and 21 Bars Iron, no mark, ...	Contest.
Ditto ..	21st,	5 Bars Iron, ditto, ...	John MacVicar.
Ditto ..	23rd	1 Package Sample, J. G. Bagram, Esq., ...	Str. Lancefield.
Ditto ..	29th,	1 Case Merchandise, R. B. Oakley, Esq, ...	Mallard.
		Packages lying unclaimed on the Custom House Wharf.	
Sept. ..	5th,	3 Butts Merchandise, marked E I, F B S, Nos. 1 to 3, ...	Bucephalus.
Ditto ..	6th,	3 Bars Iron, marked C A S, ...	Earl of Shaftesbury.
Ditto ..	9th,	1 Bundle Rod Iron, no mark, ...	Toft Combs.
Ditto ..	10th,	5 Butts Merchandise, marked E I, F B S, Nos. 4 to 8, ...	Bucephalus.
November	5th,	2 Slabs Spelter, marked C. R., ...	Caribon.
Ditto ..	12th,	7 Bags Wet Dates, no mark, ...	Fazie Rahman.
1857 January	21st,	1 Case Merchandise, J W H, L, ...	Queen.
Ditto ..	23rd,	1 Cask ditto, no mark, ...	Ditto.
Ditto ..	27th,	5 Pieces Spelter, marked H V B, ...	Electric.
Ditto ...	28th,	1 Box unknown, marked J F, No. 4, ...	Prince of Wales.
Ditto ..	„	1 Parcel ditto, marked M G R in square, No. 3122-37, ...	Str. Robert Lowe.
Ditto ..	„	1 Parcel ditto, C. Knatchbull, Esq., ...	Ditto.
February.	4th,	1 Box Segars, marked H A, L C, ...	Sir Charles Napier.
Ditto ..	16th,	1 Parcel ditto, J. D. Vaughan, Esq., ...	Str. Scotland.
Ditto ..	19th,	6 Railway Bars, no mark, ...	Marlborough.
Ditto ..	20th,	2 Cases Merchandise, ditto, ...	Prince of Wales.
Ditto ..	25th,	1 Barrel ditto, ditto, ...	Alfred.
Ditto ..	26th,	1 Chest ditto, ditto, ...	Ditto.
Ditto ..	26th,	1 Box ditto, marked A B M, ...	Blandina Dudley.
Ditto ..	„	1 Case ditto, Rev. J. Thomas, ...	Bengal.
Ditto ..	4th,	1 Case ditto, marked W H C M, 1422	Unknown.

* In the Moyapore Magazine.

CALCUTTA CUSTOM HOUSE,
The 20th of March 1857.

G. D. WILKINS,
Collector of Customs.

ABSTRACT of the Operations of the Government Saving's Bank from 1st May 1855 to 30th April 1856.

Balance due to 10 243 Depositors in 1854-55				10,92,830	4 7
Deposits in 1855-56	9,93,568	15	2		
Interest allowed to Depositors in 1855-56	36,715	8	3		
				10,30,284	7 5
				21,23,114	12 0
DEDUCT.					
Withdrawals in 1855-56	7,72,949	7	6		
Investment in Government Loans	1,69,680	10	5		
				9,42,630	1 11
Balance, Company's Rupees				11,80,484	10 1
LIABILITIES.					
Balance due to 10,926 Depositors in 1855-56	11,80,484	10	1		
Ditto at Credit of Bank Book Fund	5,649	0	0		
Ditto „ Suspense Deposit Account	821	10	10½		
				11,86,955	4 11½
ASSETS.					
Balance due by General Books	11,50,239	12	8½		
Interest allowed to Depositors in 1855-56	36,715	8	3		
				11,86,955	4 11½

J. I. HARVEY,
Secretary, Government Saving's Bank.

HURCHUNDER DUTT,
Actuary, Government Saving's Bank.

FORT WILLIAM ;
Government Saving's Bank,
The 17th March 1857.

Notice.

THE General Treasury will be closed on Tuesday, the 24th Instant, on account of the Hindoo Holiday Baroonee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 13th March 1857.

Notice.

REQUIRED for the District Roads under the Ferry Fund Committee of Patna, a Superintendent well versed in English and Urdu, and having an intimate knowledge of drawing out Plans, Estimates, use of the Levelling Staff, &c. &c. The Candidates should send in their Applications, with any Testimonials they have of their qualification and character, to the undersigned. The monthly pay of the appointment is fixed at Rupees 150.

J. M. LOWIS,
Offg. Magistrate, and Ex-Officio
Secretary, Ferry Fund Committee.

PATNA MAGISTRACY,
The 24th February 1857.

Wanted.

By the Howrah Ferry Fund Committee,—an Overseer. He must thoroughly understand the various descriptions of work under the control of the Ferry Fund Committee, including Surveying and the preparation of Plans and Estimates.

Salary—(100) one hundred. Rupees, and (20) twenty Rupees travelling allowance,—in all (120) one hundred and twenty Rupees monthly.

This salary will be increased at the commencement of the next year on certain conditions, which, with all other particulars, may be learnt from the undersigned on any day of the current month.

No applications received after the 31st March.

J. J. GREY,
Offg. Magistrate and
Secy. to H. F. F. C.

HOWRAH,
The 10th March 1857.

SEALED TENDERS from Professional Builders only, will be received by the Civil Architect, in his Office, in Calcutta, up to 4 P. M., on Saturday 28th March 1857—

For white-washing, sand-rubbing, painting and repairing Saint Stephen's Church at Kidderpore.

Time for execution—(2) two months.

Specification, forms of tender, and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in cash of one hundred (100) Rupees is required with each Tender, subject to forfeiture if the Tender be withdrawn.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office 28th March 1853, will be returned.

By order of the Chief Engineer Lower Provinces,

C. B. YOUNG, *Captain*,
Civil Architect.

Sheriff's Office, the 4th March 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature, at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the Thirtieth day of March Instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

শরিফ আফিস ৪ মার্চ ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ২০ মার্চ ১৮৫৭ সাল সোমবার দুই প্রহরের সময় কলিকাতার ফোর্ট উইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোর্ট উইলএমের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেলটী অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান জতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,
Sheriff.

Notification.

No. 47.

MAHOMED CAZIM, Uncovenanted Deputy Collector, received charge of the Mymensing Treasury on the 14th instant.

G. G. MACKINTOSH,
Accountant to the Government of Bengal.

FORT WILLIAM;
Office of Accountant Government of Bengal, The 20th March 1857.

For Dacca and Assam.

THE Cargo Boat *Kaleequngah*, in tow of a Steamer, will leave on the 31st instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

J. WOODLEY,
Clerk of the Govt. Boat Office.

The 20th March 1857.

PURSUANT to a Decretal Order of the Supreme Court of Judicature at Fort William in Bengal, made in a certain Cause, wherein Bycauntnauth Nundy, sole Executor of the last Will and Testament of Madhubchunder Sett, deceased, is Plaintiff, and Gopaulchunder Sett, Saugoremoney Dossee, Monemoheenee Dossee, Prosunnomoye Dossee, Shamachurn Sett, and Moheschunder Sett, are Defendants, on and bearing date the ninth day of August 1855, the Creditors of Ramneedy Sett, late of Seakhala, who died in the month of Srabun 1238 B. S., are required, on or before the 14th day of April next, to come in and prove their respective debts, before William Macpherson, Esquire, the Master of the said Court, at his Office in the Court House, or in default thereof they will be peremptorily excluded from the benefit of the said Decretal Order.

W. MACPHERSON,
Master.

W. ANLEY, *Attorney.*

CALCUTTA SUPREME COURT;
Master's Office,
The 14th March 1857.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Albert William Pinson, formerly a Lieutenant in the First Madras Native Infantry, and afterwards a Section Writer in the Foreign Department, and now an Assistant in the Military Department, an Insolvent.

On Thursday, the 12th day of March Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 4th day of April next, and that the said Insolvent should then attend to be examined by the said Court.

Chief Clerk's Office, 16th March 1857.

In the matter of Jggessur Doss, of Gurrunhutta, in Calcutta, Cloth Merchant, an Insolvent.

On Tuesday, the 10th day of March instant, it was, on the petition of Dabey Shaw and Bhowanee Dulall, Creditors of the said Insolvent, adjudged that the said Juggessur Doss hath committed an Act of Insolvency under the provisions of the Act XI. Vic. cap. XXI., and by another order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Goodall, *Attorney.*

In the matter of Lucas Young, late of Sulkeah, in the 24-Pergunnahs, but at present residing at Jorasanko, in Calcutta, an Assistant to Messrs. Seton and Co., of Cossitollah, in Calcutta, Coach Builders, an Insolvent

Notice, that the petition of the said Insolvent, seeking the benefit of the Act. XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 16th day of March instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Beeby, *Attorney.*

In the matter of George Shallow, in Insolvent.

On Saturday, the 7th day of March instant, it was ordered that Saturday, the 2nd day of May next, should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liability for debts, claims, and demands, of and against the said Insolvent at the time of the filing of his petition for relief.

Robertson, *Attorney.*

In the matter of George William Blackmore Dorrett, an Insolvent.

In the matter of Sarah Templeton, an Insolvent.

On Wednesday, the 4th day of March instant, it was ordered that the hearing of these matters should stand adjourned until Saturday, the 4th day of April next, and that the said Insolvents should then attend to be examined by the said Court.

Allan, Judge and Lingham, *Attorneys.*

In the matter of Thomas Dickson, an Insolvent,

On Saturday, the 7th day of March instant, it was ordered that the first Saturday in the month of March 1858 should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after-acquired property from all liability for debts, claims and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Denman, Hatch and Davis, *Attorneys.*

In the matter of Charles Gregory Deiderick Betts, an Insolvent.

On Saturday, the 7th day of March instant, it was ordered that the first Saturday in the month of March 1858 should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent should be discharged personally, as well as to his after-acquired property, from all liability for debts, claims and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Allan, Judge and Lingham, *Attorneys.*

In the matter of Lucas Young, late of Sulkeah, in the 24 Pergunnahs, but at present residing at Jorasanko, in Calcutta, an Assistant to Messrs. Seton and Co., of Cossitollah, in Calcutta, Coach Builders, an Insolvent.

On Monday, the 16th day of March instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Beeby, *Attorney.*

In the matter of Nowrojee Nusserwanjee, of Doomtollah, in Calcutta, formerly Manager of the business of Messrs. D. F. Cama and Co., carried on at Sanghai as Merchants and Agents, afterwards Manager of the said parties' house of business at Calcutta, and lately carrying on business in co-partnership with Nowrojee Pestonjee, Cowerjee Bomanjee and Dadabhoy Furdenjee, as Merchants and Agents, under the style of Nusserwanjee and Co., at the same place, a Trader, an Insolvent.

On Saturday, the 14th day of March instant, it was ordered that the said Insolvent should be at liberty to amend his Schedule filed in this matter on the 13th day of February last generally.

Robertson, *Attorney.*

In the matter of Hurruckchund Doogur, an Insolvent.

On Saturday, the 14th day of March instant, it was ordered that the petition of the said Insolvent, filed on the 22nd day of December 1852, seeking the benefit of the Act XI. Vic cap. XXI., should be dismissed, unless cause be shown to the contrary on Saturday, the 4th day of April next.

Molloy and Mackintosh, *Attorneys.*

Chief Clerk's Office, 19th March 1857.

In the matter of Shaik Paunch Cowrie, formerly of Tirretta Bazar, in Calcutta, and afterwards of Dhurruntollah, in Calcutta, Butcher, and at present of Emaumbaug Lane, in Calcutta, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Friday, the 27th day of March instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Insolvent in person.

Chief Clerk's Office, 20th March 1857.

Notice.

THE INTEREST AND RESPONSIBILITY of Baboo Ramdhone Ghose in our Firm, ceased on the 1st instant, and Baboo Charoo Chunder Ghose has been admitted as a Partner.

AUSHUTOS DAY AND CO.

Calcutta, 7th March 1857.

Notice.

THE INTEREST AND RESPONSIBILITY of Captain Henry William Craufurd, R. N., in the Bengal Indigo Company, ceased on the sixth of January 1857.

Statement of the Affairs of the Bank of Bengal for the Week ending 18th March 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital	1,07,00,000	0	0	Government Securities	17,23,874	13	10
Reserve Fund	4,02,166	15	7	Dues from Government	13,842	0	5
Current Accounts	62,61,890	0	2	Mint Certificates, Undue	14,00,810	12	6
Cash Credits Undrawn	17,42,096	12	6	Cash	89,43,190	10	0
Other Claims	1,34,173	1	2	Loans on Deposit of Securities -	1,46,66,767	1	8
Bank Notes and Post Bills	1,57,75,400	15	0	Accounts of Credit on ditto	32,98,623	0	7
				Government Bills Discounted	38,86,674	12	0
				Mercantile Bills ditto	9,12,257	8	10
				Dead Stock	1,79,687	0	7
	Co.'s Rs..... 3,50,15,727	12	5	Co.'s Rs.... 3,50,15,727	12	5	

Published by order of the Directors,

J. B. PLUMB,
Secretary and Treasurer.

C. N. COOKE,
Accountant.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ... Without charge.

If to be paid in India, a Commission will be charged of .. 1-4th per Cent.

On returning Government Paper or Share Certificates out of safe custody, ... 1-4th per Cent.

On the purchase of Government or other Securities, ... 1-4th per Cent.

On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ... Without charges

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION ;
Calcutta, 29th January 1855.

LOST.—An unindorsed Bank of Bengal Sola Bill, No. 679, dated 24th December 1856, for Company's Rupees 10,000, payable to me or order, payment of which has been stopped at the Bank. Whoever will bring the same at No. 8, Lyon's Range, will be rewarded by Ramdone Ghose.

LOST.—A Government Promissory Note, or Company's Paper, No. 33863, of 30th June 1841-42, of the five per Cent. Loan, for Company's Rupees Seven Hundred, standing in the name of Heerjee Joota, and bearing his endorsement. Payment of the above Note, and of the interest thereon, has been stopped at the Loan Office, and an application made to Government for the issue of a duplicate Note, in favor of Hurgobind Roy Soorjeemull, the purchasers thereof from the said Heerjee Joota.

TEMPLETON AND CARAPIET,
Attorneys for Hurgobind Roy Soorjeemull.

3, *Old Post Office Street,*
Calcutta,
The 14th March 1857.

বিজ্ঞাপন।

এক কেতা গবর্ণমেণ্ট প্রামিসরি নোট অথবা কোম্পানির কাগজ নং ৩৩৮৬৩ তারিখ ৩০ জুন সন ১৮৪১। ৪২ কোম্পানির সিক্কা ৫ পাঁচ টাকা শত করা সুদের দরুন মঃ কোম্পানির সিক্কা ৭০০ সাত শত টাকার মূল্যের এবং হিরজি জুতার নামে ও তাহার ইণ্ডার্শ অর্থাৎ স্বাক্ষর করা খোয়া গিয়াছে ঐ কাগজের টাকা এবং সুদ লোন আফিসে বন্দকরা গিয়াছে এবং গবর্ণমেণ্টের সমিপে তাহার ডুপ্লিকেট নোট শ্রীহরগোবিন্দ রায় সুরজি মল খরিদারের নামে পাইবার প্রার্থনা করা গিয়াছে ইতি ১৮৫৭ সাল তারিখ ১৪ মার্চ।

টেম্পিল্টন ও কেরাপিএট।
উকীল তরফ শ্রীহরগোবিন্দ রায়।
সুরজি মল।

মোং কলিকাতা।
নং ৩ পুরাতন ডাকঘরের রাস্তা।

LOST.—The first-half of a Bank of Bengal Note, No. 24572, for Company's Rupees (10) ten, the payment of which has been stopped at the Bank.

LOST.—Second-half of a Bank of Bengal Note, No. 03339, for Co.'s Rs. 250, the payment of which has been stopped at the Bank.

LOST.—Second-half of a Bank of Bengal Note, No. 44685, for Co.'s Rs. 100, the payment of which has been stopped at the Bank.

LOST BY DAWK.—Second-halves of two Bank of Bengal Notes, Nos. 08971 and 08994, for Rs. 1,000 each. Payment stopped at the Bank. The property of Modoobun Dass and Dwarka Dass.

LOST.—First-half of a Bank of Bengal Note, No. 05859, for Company's Rupees 25, the payment of which has been stopped at the Bank.

LOST.—Halves of Bank of Bengal Notes, No. 44259, for Co.'s Rs. 25, and No. 15494, for Co.'s Rs. 15, the payment of which has been stopped at the Bank.

THIS-DAY (26th JANUARY)
IS PUBLISHED
THE BENGAL DIRECTORY, ALMANAC, &c
FOR 1857,
FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume,
Strongly bound in Cloth Covers.

PRICE TO SUBSCRIBERS—10 RUPEES.
„ NON-SUBSCRIBERS—12 „

TOGETHER WITH
An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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SHIPPING ARRIVALS AND DEPARTURES FOR 1856.
DOMESTIC OCCURRENCES FOR DITTO.
ADVERTISEMENTS.

SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notifications.

No. 2077.

Overland Mail.

The Overland Mail *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, Aden, Penang, Singapore and Hongkong per P. and O. Co.'s Steamer "*Ava*," will be closed at this Office on Saturday, the 21st Instant.

1*st*.—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd*.—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd*.—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th*.—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th*.—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*.—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th*.—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th*.—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th*.—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th*.—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th*.—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th*.—Only one paper can be sent in one cover.

T. Garrett,

Offg. Deputy Post-master General.

Fort William;
General Post Office,
The 13th March 1857.

No. 3918.

Notice.

The Public are hereby informed, that Parcels, Pamphlets, and Books posted for despatch by Dâk Banghy on the 22nd and 23rd of December last for Stations on the North East line, have been plundered by Dacoits on the 23rd December last, between Barraset and Amdanga. The Magistrate of Barraset having recovered a portion of the plundered Dâk and transmitted them to this Office, all parties concerned will be good enough to send to the Post Office written Statements of their articles.

The above information is required for the Magistrate to assist the investigation and to admit of the parties receiving the portion of the articles which have been recovered.

T. Garrett,

Offg. Deputy Post-master General.

Calcutta;
General Post Office,
The 13th March 1857.

No. 3929.

MAIL STEAMER TO AUSTRALIA.

With reference to the Postal Notice of the 13th Ultimo regarding a monthly Mail between India and Australia by Steam Packets *viâ* Galle, the Public are informed that all Letters and Papers for the above Colony on which Steam postage is prepaid will be despatched from the Calcutta General Post Office to Galle to await the arrival of the Mail Steamer from Suez to Australia.

Letters and Papers which may be posted for Australia insufficiently stamped will be sent to their destination by sailing vessel as heretofore.

There being no special Steamer from the Presidency Towns to meet the Mail Contract Steamers at Galle to and from Australia and Suez, the Mail Packets will be conveyed by the Mail Contract Steamers thrice each month, with the Mails Overland and *viâ* the Cape, and the Public are requested to post their letters and papers accordingly.

The Mail Steamer will leave Galle to Australia on the 14th of every month till further notice.

Letters posted in India for conveyance by the Contract Packet, must be pre-paid at the following rates, which include Inland Postage, viz. :—

	Rs.	As.	P.
Not exceeding ½ Ounce	0	4	0
Exceeding ½ Ounce and not exceeding 1 Ounce	0	8	0

And so on, adding 8 Annas for every Ounce or fraction of an Ounce.

On Newspapers posted in India for the same conveyance, One Penny or Nine Pie must be pre-paid in Cash in addition to the usual Inland Postage, when despatched from a Mofussil Post Office or by an After Packet.

CALCUTTA ;
General Post Office,
The 13th March 1857.

T. GARRETT,
Officiating Deputy Post-master General.

No. 2111.

NOTICE is hereby given, that the Mails for Penang, Singapore and China, for transmission per Steamer *Lightning*, will be closed at this Office on Monday, the 23rd Instant.

FORT WILLIAM ;
General Post Office,
The 18th March 1857.

T. GARRETT,
Offg. Deputy Post-master General.

No. 2112.

NOTICE is hereby given, that the Mails for the Straits and China, for transmission per Steamer *Fiery Cross*, will be closed at this Office on Monday, the 23rd Instant.

FORT WILLIAM ;
General Post Office,
The 18th March 1857.

T. GARRETT,
Offg. Deputy Post-master General.

No. 2113.

NOTICE is hereby given, that in consequence of the departure of the Steamer *Cape of Good Hope* having been postponed, the Mails for Akyab, Rangoon and Moulmein will be closed at this Office on Saturday, the 21st Instant.

T. GARRETT,
Offg. Deputy Post-master General.

CALCUTTA ;
General Post Office,
The 19th March 1857.

Post Office Notification showing the Date and Hour of Arrival of the Mails at the General Post Office, and the time occupied in sending the Letters and Papers out for delivery.

Name of the Steamer.	Date and Hour at which the Mails arrived at the General Post Office.	Date and Hour at which the Window-delivery commenced.	Hour of conclusion of the Window-delivery.	REMARKS.
Ava ...	*19th March at* 11-55 A. M.	3-10 P. M. ...	4 P. M.	

T. GARRETT,
Offg. Deputy Post-master General of Bengal.

CALCUTTA ;
General Post Office,
The 20th March 1857.

Packets for the reception of Letters by the following Ships are open at this Office :—

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Steamer Ava ...	P. & O. S. N. Company	23rd March 1857...	Suez ..	Madras, Ceylon, and Aden.	
Steamer Cape of Good Hope ...	Mackinnon, Mackenzie and Co. ..	23rd ditto ..	Rangoon & Moulmein .	Akyab.	
Steamer Fiery Cross	Jardine, Skinner and o.	24th ditto ..	Straits and China.		
Steamer Lightning...	Apcar and Co. ..	Ditto ..	Penang, Singapore and China.		

CALCUTTA ;
General's Post Office,
The 20th March 1857.

T. GARRETT,
Offg. Deputy Post-master General.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the "* CALCUTTA GAZETTE" OFFICE, *No. 54, Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, MARCH 21, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee who are to report thereon after the 14th of May next :—

A Bill for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in the North Western Provinces, for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

Preamble.

WHEREAS it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in the North Western Provinces, to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the territories under the Government of the Lieutenant Governor of the North Western Provinces as are subject to the general Regulations of the Bengal Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the territories under the Government of the Lieutenant-Governor of the North Western Provinces as are subject to the General Regulations of the Bengal Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Agra shall possess the appellate and other Criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following :—

COURTS OF SESSION ;
COURTS OF THE MAGISTRATES ;
SUBORDINATE COURTS ; namely—

Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class ;

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor General in Council shall from time to time pass.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor General in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor General in Council may deem proper. Upon the receipt of the instructions of the Governor General in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

Ministerial officers.

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

No person excepted from jurisdiction by reason of place of birth or of descent.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1*st*. Offences entered in Schedule A. of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II, whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorized as such officer, to investigate or report on any matter of law or fact;

Every head jailer;

Every darogha of police.

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Magistrates, their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A. of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts, their jurisdiction as to offences.

13. In cases tried by the Courts of Session in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Magistrates, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, first class, their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, second class, their penal jurisdiction.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Clauses 8 and 9 Chapter III of the Penal Code, in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorized to hold the preliminary inquiry into cases triable by the Session Courts, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

Subordinate Criminal Courts may be empowered to prepare cases for trial before the Session Court.

CHAPTER III.

PRELIMINARY RULES.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence; and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Complainants and witnesses to be examined without oath, affirmation, or warning.

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

No person excepted from Criminal Procedure by reason of place of birth or of descent.

CHAPTER IV.

OBTAINING A SUMMONS OR WARRANT.

1. Where an offence has been committed, or is suspected to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of preliminary inquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Summons.

3. The proceeding by arrest may be either—

Arrest.

(1.)—By warrant;
(2.)—Or by a private person without warrant;
(3.)—Or by an officer without warrant.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

Complaint.

5. Every complaint made before a magistrate or darogha of police, in order to the issuing of a summons or a warrant against a person accused of any offence, either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the magistrate or darogha of police issuing the summons or warrant.

To be reduced into writing and signed.

6. Upon such complaint duly made before a magistrate, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other magistrate or Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Magistrate, how to proceed on complaint.

7. Upon such complaint duly made before a darogha of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such darogha there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

Darogha of police, how to proceed on complaint.

8. Every summons issued by a magistrate or darogha of police to a person so accused shall be in writing, under the hand and seal of the magistrate or darogha of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a darogha of police, to appear before such darogha at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons, what it is to contain, and how to be directed.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Summons, how to be served.

10. A magistrate or darogha of police may, notwithstanding such summons either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

Notwithstanding summons, warrant may issue in certain cases.

11. A magistrate of one district or darogha of one division may grant a warrant for the apprehension of a suspected offender within that district or division, as the

Warrant when grantable for an offence committed beyond local jurisdiction.

case may be, in respect of an offence of which the law takes cognizance, committed in a different district or division, or on the high seas, or in a foreign country.

Where an offence may be investigated and tried in one of two or more jurisdictions.

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, whether within the same Presidency or under the same Lieutenant-Governor or not, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16 Where any offence shall be committed on any person, or on or in respect of any property, in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be inquired of and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division ; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be inquired of and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

Receiving, &c. stolen property.

17. Whosoever shall fraudulently receive, fraudulently have in possession any stolen property, knowing the same to be stolen property may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Unlawfully receiving property.

18. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or converted such property may be prosecuted and punished for any offence committed thereby.

Escape from lawful custody under sentence.

19. Any offender who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district where he shall be apprehended and re-taken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is mentioned, the term "inquired of" shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial ; unless in any such case there be something in the subject or context repugnant thereto.

What is a district, and what a division.

23. The local jurisdiction of the magistrate of a zillah or district shall for the purposes of this Act be deemed a district ; and the local jurisdiction of a moonsiff or darogha of police

be deemed a division; provided that nothing herein contained shall be held as authorizing a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act.

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a darogha or nazir.

5. A warrant directed to a darogha of police or to a nazir may be executed by any officer subordinate to such darogha or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, whether such place be within the same Presidency, or under the same Lieutenant-Governor or not, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII Article 7 or Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Darogha how to proceed in such cases.

13. If the warrant under Chapter IV Article 11 shall have been granted by a darogha, the darogha shall send the person arrested to the magistrate, to whom such darogha is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

division of the district in which the division of the darogha who granted the warrant is comprised; in such case the darogha who granted the warrant shall send the person arrested to the darogha of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant, how to be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

No unnecessary restraint.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavor to arrest.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duty made, he cannot otherwise obtain admittance.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open a *zenanah* or female apartment.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Party arrested to be brought immediately to the authority mentioned in the warrant.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

No threat, promise, or caution, as to disclosure by party arrested.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

but shall, when necessary, apprize him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence for which a warrant may issue on complaint is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. A police officer, or other person, may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or darogha of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

Obstruction of a police officer in his duty.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the police division

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.

Arrest for an offence committed in the presence of a magistrate.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

Person arresting may re-take on escape, and deal with the party arrested as on original taking.

1. If a person lawfully arrested on a criminal information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to re-take any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the police darogha within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a darogha may, in the event of the darogha not being able to proceed in person, be executed by any officer subordinate to such darogha, above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

When a magistrate may grant a search warrant out of his jurisdiction.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellinrgs place or places, out of his jurisdiction, the ptoduction of such thing or things being essenoial to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

5. Whenever a darogha shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

Search warrant when grantable by a darogha.

6. The darogha shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

How to be executed.

7. A darogha may require the darogha of another division, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

When a darogha may require a darogha of another division to issue a search warrant.

8. The darogha, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

Representations regarding anything for which search is to be made to be sent to magistrate.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

When the search is to be made.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of a zenanah or female apartment.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Property, &c., to be sent to the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE

1. A darogha of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences into which the police officers may not inquire without special authority.

Offences under Chapter IX; provided that it shall be competent to a darogha to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a darogha to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the darogha may issue his warrant.

shall be lawful for the darogha to issue his warrant to apprehend such person, and to cause him to be brought before such darogha.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such darogha before whom such a complaint is made, instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such darogha.

When darogha shall issue summons.

4. Upon a complaint duly made before a darogha of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inqure, and which is punishable with imprisonment for a period not exceeding six months, the darogha shall issue his summons to such person, requiring him to appear before such darogha.

When the darogha may stay issue of process.

5. In the event of its appearing to the darogha, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended. On the receipt of the darogha's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the darogha to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned

6. Upon the issue of process for causing the attendance of the accused, the darogha shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Darogha may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a darogha from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the darogha or other police officer to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other daroghas, whether subject to the same magistrate as himself or to the magistrate of any other district, whether such place be within the same Presidency or under the same Lieutenant-Governor or not.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the darogha, or, in the event of his absence, in the presence of any officer above the rank of burkúndaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a darogha or other police officer to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The darogha, or other police officer, shall complete the inquiry with as little delay as possible, and if the darogha himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable. and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district If a subordinate police officer have made the inquiry, he shall submit his proceedings to the darogha, who shall then proceed as if he had made the inquiry himself.

Accused not to be detained by the police beyond 48 hours, without special authority.

12. Provided that it shall not be lawful for the darogha or other police officer to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a darogha or other police officer, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The darogha shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Darogha how to proceed in cases of deficient evidence.

13. If it shall appear to the darogha that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

Proceedings of the darogha, of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the darogha shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence or expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The darogha shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A. as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

darogha shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the darogha may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

Police to report all apprehensions.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

Bail not to be excessive. Terms of security.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizance to appear before the magistrate.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

Witnesses not to be subjected to restraint.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the darogha to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

By whom the powers of the darogha may be exercised in his absence or illness.

21. The powers to be exercised by the darogha under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorized cognizance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How darogha is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the darogha shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

Contempt of lawful authority under Chapter X of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

Punishment may be remitted on submission of the offender.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

Advocate General may file criminal charges.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

To follow the rules relating to charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

Prosecutions for certain offences not to be instituted but under authority of Government or of a duly empowered officer.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution for certain offences under Chap. X of the Penal Code not to be instituted but with the sanction of the public servants concerned.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

Mode of proceeding in cases mentioned in the two last preceding Articles.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Magistrate may issue his warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article I. of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

May dismiss the complaint.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with the personal attendance of the accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usally resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

To be in the presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

19. The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers ; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination ; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Examination to be admitted as evidence on the attestation of the magistrate.

No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Discretionary with the magistrate to take evidence for the defence.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

When Sudder Court or Session Court may direct the commitment of a person to whom a pardon may have been tendered.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

When Sudder Court or Session Court may direct a tender of pardon.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the magistrate to tender a pardon to one or more persons supposed

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

Sudder Court may revise proceedings when a pardon may have been tendered.

27. It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

Bail not to be taken for certain offences if proof of guilt.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him ; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

When may be taken.

When bail shall be taken.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

Recognizance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

Bail may be taken any time before conviction.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court ; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment, how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known ; but if it be not known, then a description of his person, stating the refusal to tell his name ; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol ; and if he be not, with his deputy ; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

How the offence is to be described.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

Absence of General Exceptions under the Penal Code to be assumed.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

Clause of the Penal Code containing an exception, not a General Exception.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

Heads of charge.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect:

Forms of Charge.

(a) I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the Charge:

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code, (*c*) and within the cognizance of the [*style of the Court*].

On Clause 1 Chapter VI.

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate.*]

Where the magistrate tries the case, there must be substituted for *(c)*:
within my cognizance; and the words "by the said Court" in *(d)* may be omitted.
To be substituted for *(b)*.

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

On Clause 4 Chap. VI applied to Clauses 3 Chap. VI and 28 Chap. XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the [*style of the Court.*]

On Clause 1 Chap. IX.

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

On Clause 81 Chap. XVII applied to Clauses 2 and 80 of the same Chapter.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

Two or more offences punishable under the same Clause.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Cases of doubt as to the Clause which is applicable, or the offence which may be proved.

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

Form of charge of more than one head.

11. When a charge contains more heads than one, the form shall be as follows, or to the same effect :

Forms of Charge.

I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the charge :

On Clauses 13 and 14 Chap. XII.

First : That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly : That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly : That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate, &c.*].

On Clauses 4 and 6 Chap. XVI.

First : That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 4 Chap. XVII.

First : That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly : That he has committed theft, having made preparation for causing restraint to a person n order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly : That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 28 Chap. XVII.

First : That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

Amendment of charge.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

When the trial may be immediately proceeded with after amendment.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered, or trial suspended.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge ; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution

CHAPTER XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Cases in which magistrate may issue a warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Summons instead of warrant.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with personal attendance of accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant indorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, whether in a district within the same Presidency or under the same Lieutenant Governor or not, and carried before the magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c., of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

lect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer may be committed to custody

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

To be in presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing; and contains accurately the whole of the defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Bail and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Evidence for the defence

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Witnesses for the defence.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

Cases in which a Summons on Complaint shall issue to the Defendant.

Complaint and issuing of Process for causing the attendance of the Accused.

Summons shall issue.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

When warrant may issue.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

Service of summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

When magistrate may refuse summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

If summons be not obeyed, warrant.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate may dispense with personal attendance of accused.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

Summons to witness to attend and give evidence.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

Diet money for witnesses.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Magistrate may summon necessary evidence.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Application of previous rules.

Bail.

10. If upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Defendant may be admitted to bail or to be at large upon personal recognizance.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

Admission by defendant of truth of complaint.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

Proceeding when no such admission is made.

in his defence ; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Adjournment.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties ; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant ; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable ; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable ; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

Cases how to be referred.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

Subordinate Criminal Courts to follow the same rules of procedure as the magistrate.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

Mode of proceeding in cases beyond jurisdiction.

4. In every case before a Sudordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

5. Provided that nothing in the last preceding Article shall be held to interfere with the exercise of power specially conferred upon a judge of a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with criminal offences to take their trial before the Session Courts.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

Place where investigation made, an open Court.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

1. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court.

Security to keep the peace.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

Personal recognizance without conviction.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

Security without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

For one year.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For more than one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

Imprisonment not to exceed period of recognizance and security.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty of personal recognizance.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1. Whenever it shall appear to a magistrate from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

When magistrate may require security for good behaviour for one year.

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

How to proceed in cases beyond one year.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

Case to be laid before the Session Court.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Session Court may require security not exceeding three years.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

What the order for security is to contain.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

7. The magistrates are empowered, at all times to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

8. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XXI.

JURIES AND ASSESSORS.

1. The Governor General in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor General in Council may from time to time revoke or alter such Order.

Trials to be by jury.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor General in Council may see fit to extend this rule, registered according to such rules as the Governor General in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

Trial by jury, before the Session Court, of registered persons.

How the jury is to be constituted.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

Joinder of registered and non-registered persons.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

How the jury is to be constituted in such cases.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two-thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Number of which the jury is to consist.

Number of voices necessary to a verdict of guilty.

6. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Trials before the Session Court with assessors.

7. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Who are capable of serving as jurors and assessors.

8. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor General of India in Council.

Sudder Court to make rules in regard to jurors and assessors.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

Cognizance of offences by the Session Court in original jurisdiction.

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty"

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Refusal to plead, or plea of "not guilty."

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the darogha, or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

Witnesses for the defence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

Adjournment.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Jury or assessors to attend at adjourned sitting.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Delivery of opinions of assessors.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

Of verdict of jury.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

Difference of opinion between Sudder Court and Session Court as to offence proved.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made; and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

Hearing of case referred, tried by jury.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the Judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

4. The finding and sentence shall be recorded in the following form, or to the same effect:—

Form of finding and sentence.

In trials by Jury:

When the Jury are unanimous:

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [*sentence*].

2*nd*. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty :—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [*sentence*].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury (*or* the majority of the Jurors consisting of
of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (*or* the Court concurs in such finding and directs) that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials with Assessors :

7th. The Court, concurring with the Assessors, (*or* one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge ; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be [*sentence.*]

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting; and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge ; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code ; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors :

10th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [*sentence*].

11th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

12th. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [*sentence*].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court ; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be ne-

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Judgment on offender already imprisoned under sentence for another crime.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

Party tried upon formal charge not liable to renewed prosecution.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements of calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI.

APPEALS.

No appeal in cases of acquittal.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

Appeal in cases of conviction.

2 An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

Appeals from orders in proceedings other than trials.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of subordinate Courts.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTORS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence cpenalties ..	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem..	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence.	Idem	Idem	Idem..	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem. as limited by Chapter II, Article 10, Claus s 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ¼ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅛ of the longest term, or fine, or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor Grneral, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Not bailable	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. *Exception*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

1. Clause.	2 Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8	Rioting armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Cla use 13
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both.	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade ..	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property.	Idem	Idem	Idem..	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c., in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed ; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c., in a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the notice or information required respects the commission of an offence, &c.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative. Clause 1,

15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorized sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding.	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence.	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.	
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.	
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.	
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Session Court	Same as for giving such evidence.	
8	Using as a true certificate one known to be false in a material point.	Idem	Idem	Idem.	
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.	
10	Using as true any such declaration known to be false.	Idem	Idem	Idem.	
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years; and also liable to fine.	
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
	If punishable with less than 14 years' imprisonment.	Idem	By the Court by which the offence is triable.	Idem not exceeding ½ longest term and fine, or both.	
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate	Imprisonment of either description to 6 months, or fine, or both.	
13	Giving false information respecting an offence committed.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.	
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.	
18	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Idem	Idem	Idem.	

19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure...	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender if the offence be capital ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court.	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem . ..	Session Court	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.
	If with imprisonment to 1 year and not to 14 years..	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.			

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty	6. When admitting of cumulative Punishment.
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Bailable	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to appehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to 14 years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than 14 years.	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant.	Idem	Magistrate as limited by Chapter 11, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Simple imprisonment not exceeding 2 years or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to 14 years.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 14 years or upwards.	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine.	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment..	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding seven years, also liable to fine.	
9	Import or export of counterfeit Coin knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine not exceeding 10 years, and fine.	
13	Knowingly delivering to another any counterfeit Coin as genuine, which when first possessed the deliverer did not know to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument.	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 5 years, also fine.
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 10 years, also fine.
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.
26	Delivery to another of Coin as genuine which when first possessed the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.
30	Sale of counterfeit Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.
32	Using as genuine a Government Stamp known to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.
34	Using a Government Stamp known to have been before used.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
35	Erasure of mark denoting that Stamp has been used.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure ..	Idem	Idem	Idem .. ..
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem .. ..
5	Making or selling false weights or measures for fraudulent use.	Idem	Idem	Idem .. ..

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Knowingly disobeying any rule of the quarantine laws.	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
6	Selling any food or drink as food and drink for man knowing the same to be noxious.	Idem	Idem	Idem.	
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	
8	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	
10	Defiling the water of a public spring or reservoir ..	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupess 500, or both.	
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.	
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	

16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
18	So dealing with any explosive substance ..	Idem	Idem	Idem.	
19	So dealing with any machinery	Idem	Idem	Idem.	
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.	
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Idem	Idem	Idem.	
22	Committing a public nuisance	Idem	Idem	Fine not exceeding Rupees 200.	
23	Continuance of nuisance after injunction to discontinue.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
24	Sale, &c., of obscene books, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
	Exception.—Not to extend to any representation on or in any Temple or on any car used for the conveyance of idols.				
25	Having in possession obscene book, &c., for sale or exhibition.	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship.	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem..	Idem	Idem..	Idem.
5	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life.	Idem	Idem	Death	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding 14 years, and also fine.	
8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.	
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.	
10	Attempt to commit murder and doing any act, &c. with such intention or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.	
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.	
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.	
	Of the causing of Miscarriage, of injuries to unborn Children, of the exposure of Infants, and of the concealment of Births.				
14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If the woman be quick with child	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	

15	Causing miscarriage without woman's consent ..	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above-mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36 ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem m	Imprisonment of either description not exceeding 7 years, also liable to fine.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Hurt.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocati n.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees, 2 000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of wrongful Restraint and wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	

46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.
48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c	Idem	Idem	Idem.
51	While keeping a person in wrongful confinement, omitting to furnish him with any thing necessary to prevent danger of death or hurt	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.

Of Criminal force and Assault.

55	Using criminal force otherwise than on grave provocation.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
57	Using criminal force in attempt to murder ..	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
59	Assault or criminal force with intent to dishonor a person otherwise than on grave and sudden provocation.	Idem	Idem	Idem.
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person	Not bailable ..	Idem	Idem.
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable . ..	Magistrate or subordinate Criminal Courts, 1st class	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
62	Using criminal force on grave and sudden provocation.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.
63	Assault in cases not specially provided for when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person.	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves.	Not bailable	Idem	Idem.	
76	Unlawful compulsory labor.	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine.	Cumulative.

Of Rape.

78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by Clerk or Servant of property in possession of Master or Employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Extortion.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Not bailable	Session Court	Imprisonment of either description not exceeding 5 years, also liable to fine.	

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.	
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.	
16	Voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
18	Murder in Dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
19	Robbery or dacoity with attempt to cause death or grievous hurt.	Idem	Idem	Imprisonment not less than 7 years.	
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.	
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.	
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.	
24	Being one of 5 or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.	

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's own use.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
29	Criminal breach of trust by a clerk or servant ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen.	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
34	Habitually dealing in stolen property	Idem	Idem	Idem.
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Cheating.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
38	Cheating	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.	
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.	
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.	
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.	
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.	
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.	

Of Mischief.

49	Mischief	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

69	Criminal trespass	Bailable	Magistrate, or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.

CHAPTER XVII —OFFENCES AGAINST PROPERTY.—*(Continued)*

Of Criminal Trespass—(Continued)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	When admitting of cumulative Punishment.
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-tresspass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Tran-portation for life or rigorous imprisonment not exceeding 14 years and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 5, also liable to fine	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year added to one-third of the longest term for the offence intended, and also fine.	
75	House-tresspass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking. ..	Idem	Idem	Idem..	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking, house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 7 years, also liable to a fine.	

85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	Idem.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Forgery or using a forged document with intent to injure or deceive.	Idem	Idem	Idem	
5	Forgery of a record of a Court of Justice or of a Register of Births, &c. kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.	
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.	
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
8	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
10	Uttering or using as genuine a forged document which is known to be forged	Idem	Idem	As for forgery.	
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
13	Having possession of a valuable security or will knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.	
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.	

1. Clause.	2. Offence.	3. Whether bailable or not.	By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Not bailable	Session Court	Imprisonment of either description not exceeding 10 years, also liable to fine.	
17	Fraudulently destroying or defacing, or secreting a valuable security.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
	Of Trade and Property-Marks.				
22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.	
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 7 years, or fine, or both.	
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.	
28	Making use of any such false mark	Idem	Idem	Idem.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Idem	Idem	Idem.	

CHAPTER XIX.— THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.
2	A Seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.
3	Being bound to attend on or supply the want of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200 or both.
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Idem	Idem	Imprisonment of either descripti n not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.
2	A woman committing the same offence with a man ...	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.
3	Marrying again during the life-time of a husband or wife.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
5	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.
6	Adultery	Idem	Session Court or Magistrate ..	Imprisonment of either description not exceeding 5 years, or fine, or both.
7	Enticing or taking away a married woman.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.

CHAPTER XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter knowing it to be defamatory.	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	If threat be to cause death or grievous hurt, &c. ...	Idem	Idem	Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem	
6	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.	

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.	

W. MORGAN,

Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

Numb. 24. [515]

The Calcutta Gazette.

Published by Authority

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work*

CECIL BEADON,
Secy to the Govt of India

WEDNESDAY, MARCH 25, 1857.

Legislative Council.

The 21st March 1857.

THE following Bill was read a second time in the Legislative Council on the 21st March 1857, and was referred to a Select Committee who are to report thereon after the 25th of May next:—

A Bill for the levy of Port-dues and fees in the Port of Calcutta.

Preamble.

WHEREAS it is necessary to fix the amount of the Port-dues and fees to be hereafter levied and taken in the Port of Calcutta in accordance with the provisions of Act XXII of 1855; It is enacted as follows:—

Port-due chargeable on sea-going vessels of 20 tons and upwards entering the Port.

I. A Port-due, at a rate not exceeding the rate of four annas for every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of twenty tons and upwards which shall enter the said Port.

No Port-due in respect of vessels compelled by stress of weather to re-enter the Port.

II. Provided that no such due shall be chargeable in respect of any vessel which, having left the Port, is compelled to re-enter it by stress of weather, or in consequence of having sustained any damage.

Port-due in respect of Dhonies and country vessels.

III. The Port-due chargeable in respect of Dhonies and country vessels employed in the coasting trade, shall be at a rate equal to one-half the rate chargeable in respect of other vessels; and such due shall not be chargeable oftener than once in sixty days in respect of the same vessel.

Vessels entering the Port in ballast.

IV. Vessels entering the Port in ballast shall be charged with three-fourths of the Port-due which would otherwise be chargeable.

Tug Steamers and River Steamers.

V. Tug Steamers and River Steamers belonging to the said Port shall be liable to the Port-due specified in Section I of this Act; and the said due shall be chargeable in respect of every such Steamer once between the 1st day of January and the 30th day of June, and once between the 1st day of July and the 31st day of December in each year. The provisions of Section XLVI Act XXII of 1855 shall not be applicable to such Steamers.

Fees for certain services.

VI. Within the said Port, and at Diamond Harbour, fees may be charged for the following services at rates not exceeding those hereinafter specified, namely,

Hauling to or from chain moorings, each operation, ... Rs.	16
Hauling to or from swinging moorings, each operation,... ... ...Rs.	10
Re-mooring, ... Rs.	16
Hauling in or out of dock, each operation, ...Rs.	30
Removing from one part of the Port to another,... ... ... Rs.	25
Removing from one mooring to another at the request of the agent or master, Rs.	50

Hooking, ...Rs. 16

Measuring, ... Rs. 30

VII. This Act shall commence and have effect from and after ; and from and after that date no Port-due or fee shall be levied at the said Port, except under the authority of Act XXII of 1855 and of this Act.

Commencement of Act.

W. MORGAN,

Clerk of the Council.

Notifications, Appointments, &c.

No. 576.

Fort William, Home Department,

The 20th March 1857.

Notification.—The Right Hon'ble the Governor General in Council is pleased to grant Mr. R. P. Martin, of the Civil Service, leave of absence to Europe on urgent private affairs for one year.

No. 577.

The Right Hon'ble the Governor General in Council is pleased to grant Mr. D. Tapley, Officiating Second Assistant Master Attendant, leave of absence, on Medical Certificate, under Section 4 of the Uncovenanted Absentee Rules, for a period of one year, from the 23rd Instant.

No. 578.

The 21st March 1857.

Mr. A. Abercrombie, of the Civil Service, reported his departure for England by the Screw Steamer *Scotland*, which Vessel was left by the Pilot at Sea on the 16th Instant.

No. 579.

Mr. W. D. Arnold, Director of Public Instruction in the Punjab, is appointed to be a Member of the Senate of the University of Calcutta.

No. 580.

The 24th March 1857.

The following Extract (Paragraph 1) from a Despatch No. 1 of 1857, dated the 28th January, from the Hon'ble the Court of Directors, is published for general information :—

"We have permitted the Reverend Herbert Lascelles, an Assistant Chaplain on the Bengal Establishment, to retire from the Company's Service."

No. 581.

The Reverend James Mackay, B. D., appointed by the Hon'ble the Court of Directors an Assistant Chaplain on the Bengal Establishment, reported his arrival at the Presidency on the 19th Instant by the Steamer *Ava*.

The services of the Reverend Mr. Mackay are placed at the disposal of the Hon'ble the Lieutenant-Governor of the North-Western Provinces.

No. 582.

The Right Honorable the Governor General in Council is pleased to determine that the privilege of gratuitous medical attendance which under the Notification No. 107 of the 18th January 1856 is allowed to the families of Military Officers not in Civil employ, shall be extended to the families of all Non-Commissioned Officers, whether they be in Civil employ or not.

CECIL BEADON,

Secy. to the Govt. of India.

No. 1267.

Fort William, Foreign Department,

The 20th March 1857.

The Governor General in Council is pleased to sanction an exchange of appointments between Lieutenant C. M. L. Clarke, Acting Second in Command 5th Infantry Gwalior Contingent, and Lieutenant C. A. McDougall, Second in Command 2nd Infantry of the Contingent.

No. 1268.

The 24th March 1857.

The Governor General in Council is pleased to appoint Assistant Surgeon H. Cotes, of the Bombay Medical Establishment, to the Medical charge of the Meywar Political Agency and the Civil Station of Neemuch, during the absence on leave of Dr. R. P. Jeston.

No. 1269.

Captain C. C. Robertson, Personal Assistant to the Commissioner of Nagpore, arrived at Calcutta, from Sick leave to England, on the 2nd Ultimo, and assumed charge of the Deputy Commissioner's Office at Chindwarra, in the Province of Nagpore, on the 5th Instant.

No. 1270.

Lieutenant E. G. Campbell, Assistant Commissioner of Mooltan, has obtained leave of absence, on private affairs, under the Military Rules, for two months, from the 1st Proximo, or from the date on which he may avail himself of it.

G. F. EDMONSTONE,

Secy. to the Govt. of India.

No. 554.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 11th March 1857.—Mr. H. Baillie to be Civil Assistant Surgeon of the 24 Pergunnahs.

Dr. E. C. Thorp to be Civil Assistant Surgeon of Hooghly.

Dr. H. F Williams to be Civil Assistant Surgeon of East Burdwan.

Moulavie Abdool Kurreem, Law Officer of Mymensing, is vested with the full powers of a Magistrate in that District.

Mr. R. G. Platts, Sub-Assistant Commissioner in the Sonthal Pergunnahs, to officiate as Assistant Commissioner, during the absence of Mr. W. C. Taylor, on the leave granted to him on the 6th ultimo.

Leave of Absence.—The 11th March 1857.—Captain R. T. Leigh, Senior Assistant to the Commissioner of Chota Nagpore, for thirty days, on private affairs, under the Rules applicable to Military Officers in Staff employ, in extension of the leave granted to him on the 24th December last.

A. R. YOUNG,

Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 1436 of 1857.

Judicial Department,

Agra, the 16th March 1857.

Appointment.—Ahmud Buksh, Officiating Tehseeldar of Korai, Zillah Saugor, to be a Deputy Magistrate under Act XV. of 1843, within the limits of his jurisdiction, with the powers of a Covenanted Assistant, as described in Section XX. Regulation IX. of 1807.

No. 1180 of 1857.

Public Works Department,

The 17th March 1857.

Notification.—The Deputy Consulting Engineer to the Government, North-Western Provinces, in the Railway Department, is appointed Ex-Officio Member of the Road and Ferry Fund Committees of the Districts through which the line of Railway is in course of construction. The opinion of the Deputy Consulting Engineer will invariably be taken and recorded by the Committees on all projects for New Roads which may be designed as lines of communication with Railway Stations.

No. 1463 of 1857.

Judicial Department.

Appointment.—Assistant Surgeon St. George Wade Tucker, M. D., of the 14th Irregular Cavalry, to be Civil Assistant Surgeon of Jhansi, from the date of Dr. Kemp's departure from the Station.

No. 1506 of 1857.

The 18th March 1857.

Leave of Absence.—Mr. F. F. Hogg, Deputy Collector and Joint Magistrate in the Banda District, for fifteen months, on Medical Certificate, under Section VI. of the New Rules, to proceed to Europe, from the date on which he may avail himself of the leave, and the usual preparatory leave to enable him to reach the Presidency.

No. 1550 of 1857.

The 19th March 1857.

Appointments.—Mr. William Wynyard, to officiate as Civil and Sessions Judge of Gorruckpoor, during the absence of Mr. W. Roberts, or till further orders.

No. 1554 of 1857.

Assistant Surgeon H. P. Harris, to officiate as Civil Assistant Surgeon of Cawnpoor, during the absence of Assistant Surgeon J. M. Tressidder, or till further orders.

C. B. THORNHILL,

Offg. Secy. to Govt., N. W. P.

No. 1199 of 1857.

General Department,

Agra, the 17th March 1857.

Leave of Absence.—Sub-Assistant Surgeon Coonj Beharry Chatterjee, in charge of the Furruckabad Dispensary, for one month under Section VI. of the Uncovenanted Leave Rules.

No. 1473 of 1857.

Judicial Department.

Mr. George Boileau Willock, Assistant Magistrate and Collector of Cawnpoor, for fifteen months, on Medical Certificate, under Section VI. of the New Rules for the purpose of proceeding to England, with the usual preparatory leave to enable him to reach the Port of Embarkation.

No. 1479 of 1857.

Revenue Department.

Doorga Pershad, Deputy Collector under Regulation IX. of 1833, in Zillah Budaon, for fifteen days, on urgent private affairs, from the date of his availing himself of the leave.

No. 1235 of 1857.

General Department,

The 18th March 1857.

The privilege leave, for one month, granted to the Reverend F. C. Viret, Chaplain of Benares, by the Lord Bishop of Calcutta, is confirmed.

No. 1521 of 1857.

Revenue Department.

Notification.—Mr. W. R. James, Deputy Collector under Regulation IX. of 1833, in Zillah Seonee, is placed in charge of the Treasury of that District.

By order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

R. C. OLDFIELD,

Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, the 21st March 1857.

No 440 *of* 1857.—The following Notification, from the Foreign Department, is published in General Orders :—

No. 1237, *dated 20th March* 1857.—The Governor General in Council is pleased to make the following appointments :—

Lieutenant W. S. Pierson, Acting Adjutant 3rd Regiment Sikh Infantry, to act as Adjutant of the 2nd Infantry Gwalior Contingent, *vice* Lieutenant Clarke, appointed to another Corps.

Lieutenant C. H. Byers, 70th Regiment Native Infantry, to be Assistant to the Resident at Nipal and Commandant of the Residency Escort, *vice* Captain Irwin.

No. 441 *of* 1857.—The services of Captain W. McNeile, of the 5th Regiment Native Infantry, are placed at the disposal of the Foreign Department.

No. 442 *of* 1857.—Senior Surgeon G. G. Spilsbury, Physician General and first Member of the Medical Board, is allowed leave of absence for three months, from this date, on private affairs.

Fort William, the 23rd March 1857.

No. 443 *of* 1857.—The Right Honorable the Governor General of India in Council is pleased to make the following promotions in the Army Commissariat Department :—

Army Commissariat Department.

Sub-Conductor John Macdougal Hamilton, to be Conductor	From the 6th September 1856, *vice* Conductor D. Johnston, reduced to the rank of Serjeant.
Serjeant Elijah Crabb, to be Sub-Conductor ...	

No. 444 *of* 1857.—The leave of absence to proceed to Europe on Sick Certificate granted to Assistant Surgeon W. White, of the Medical Department, and now Officiating Civil Surgeon 24-Pergunnahs, in Government General Order No. 16 of the 4th January 1856, is extended to the 15th January 1857, the date on which that Officer reported his return to Bengal.

No. 445 *of* 1857.—Captain J. H. M. Babington, Commanding 4th Regiment, Oude Irregular Infantry, is allowed leave of absence from the 16th April to the 16th October 1857, to visit Ootacamund on private affairs, under the old Regulations.

Fort William, the 24th March 1857.

No. 446 *of* 1857.—The following extracts, from the *London Gazettes* of the 2nd, 27th and 30th January 1857, are published for general information : —

" *War Department, 2nd January* 1857.

The Queen has been graciously pleased to give orders for the following appointments to the Most Hon'ble Order of the Bath.

To be Ordinary Members of the Military Division of the 2nd Class or Knights Commanders of the said Most Hon'ble Order, *viz.*—

Lieutenant General George Petre Wymer, C. B., of the Bengal Army.

Lieutenant General Patrick Grant, C. B., of the Bengal Army."

" *War Department, 27th January* 1857.

BREVET.

To be Major in the Army.

Captain Charles Thomas Edward Hinde, 65th Regiment Bengal Native Infantry, dated 24th November 1856."

" *War Department, 30th January* 1857.

Captain William Henry Rodes Green, 19th Regiment Bombay Native Infantry, to be Major in the Army, dated 24th November 1856."

No. 447 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following temporary appointment :—

Lieutenant L. Machell, Deputy Commissary, to act as Second Class Commissary of Ordnance, from the date on which he may receive charge of the Magazine at Agra.

Lieutenant T. Nicholl will revert on the same date to the grade of Deputy Commissary.

No. 448 *of* 1857.—The following Orders are confirmed :—

Dated 11*th February* 1857.—The Order issued by the Brigadier Commanding the Punjaub Irregular Force, directing Captain J. P. W. Campbell, Second in Command of the 3rd Regiment Sikh Infantry, to officiate as Staff Officer of the Force, consequent on the departure of Captain R. R. Adams, and until the arrival of Lieutenant S. Black.

Dated 20*th February* 1857.—Regimental Order issued to the 4th Punjaub Cavalry, directing Captain C. R. Fraser, Second in Command, to assume Command ; Lieutenant E. L. Clogstoun, Adjutant, to Officiate as Second in Command ; and Lieutenant F. J. Craigie, doing duty, to Officiate as Adjutant, consequent on the resignation and departure of Major Jacob, Commandant of the Regiment.

Dated 16*th February* 1857.—Regimental Order issued to the 5th Punjaub Cavalry, directing Lieutenant W. H. Paget, Commandant, to assume charge of the Adjutant's Office from Lieutenant G. A. P. Younghusband, Adjutant and Officiating Second in Command, on the departure of that Officer in Command of the left wing.

Dated 14*th February* 1857.—Asnée Station Order, appointing Assistant Surgeon F. F. Dukes, of the 5th Punjaub Cavalry, to the Medical Charge of the Wing 1st Punjaub Cavalry, arrived at Asnee in course of relief until further orders.

Dated 25*th February* 1857.—Secrora Station Order, directing Assistant Surgeon Greenhow, 1st Oude Irregular Cavalry, to afford Medical aid to No. 1 Horse Field Battery Oude Irregular Force, in addition to his other duties.

Dated 3*rd March* 1857.—Secrora Station Order, directing Assistant Surgeon Greenhow, 1st Cavalry, to afford Medical aid to the Head Quarters and Right Wing 2nd Regiment Infantry Oude Irregular Force, *vice* Assistant Surgeon Kendall, proceeded with a Wing to Baraitch.

No. 449 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick Certificate :—

Second Lieutenant William Robert Boyd, of the 2nd European Bengal Fusiliers... ...	For eighteen months under the new Regulations.

No. 450 *of* 1857.—The following Order, issued by the Government of Bombay, is confirmed :—

No. 281, *dated* 14*th March* 1857.—Granting furlough to Europe, on private affairs, to Veterinary Surgeon Archibald Turnbull, of the 5th Regiment Light Cavalry ...	For three years, under the old Regulations.

No. 451 *of* 1857.—The Right Honorable the Governor General of India in Council is pleased to make the following promotion :—

7th Regiment Light Cavalry.

Lieutenant Henry Melvill, to be Captain of a Troop, from the 23rd March 1857, *vice* Captain Richard Boulton, retired.

No. 452 *of* 1857.—The leave of absence granted by the Chief Commissioner Punjaub to Lieutenant C. P. Keyes, Commanding 6th Punjaub Infantry, for three months, from 1st April next or from the date on which he may avail himself of it, to visit Bombay, preparatory to applying for leave of absence on Sick Certificate to Europe under the new Regulations, is confirmed.

No. 453 *of* 1857.—Assistant Surgeon Alexander Lockhart Mackay, of the Medical Department, is permitted to resign the service of the East India Company.

No. 454 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointments :—

PUNJAUB IRREGULAR FORCE.

6th Infantry.

Lieutenant J. J. Boswell, of the 69th Regiment N. I., doing duty with the 3rd Infantry, to act as Adjutant, *vice* Lieutenant Kennedy, appointed temporarily to the Guide Corps.

Ordnance Commissariat Department.

Lieutenant J. C. Griffith, and Lieutenant J. G. Hathorn, Officiating Deputy Commissaries, to be Deputy Commissaries on probation.

Commissariat Department.

Lieutenant Colonel T. J. Nuthall, Deputy Commissary General, to officiate as Commissary General, during the absence on leave to Europe of Lieutenant Colonel Ramsay, or until further orders.

No. 455 *of* 1857.—The services of Lieutenant M. Hall, of the 1st European Bengal Fusiliers, Executive Engineer 3rd Class Public Works Department, Henzada, are placed at the disposal of His Excellency the Commander-in-Chief, in consequence of the paucity of Officers at present with that corps.

No. 456 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following appointment :—

Colonel E. Lugard, C. B., Her Majesty's 29th Regiment, Aide-de-Camp to the Queen, Chief of the Staff of the Expeditionary Force in Persia, to be a Brigadier General, with effect from the 12th January 1857.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India
in the Mily. Dep.

Notification.

THE Civil Auditor, North Western Provinces, has the honor to repeat his annual call to all Disbursing Officers in charge of Civil Establishments in the North Western Provinces, for the submission (as soon after the 1st May next as practicable with the April abstract) of their regular Annual Detailed Statement, containing the names and full particulars of the whole of the Office Establishment, and to observe that, with reference to the orders of Government dated 15th October 1842, published in the *Agra Government Gazette* of the 15th November 1842, the audit of their abstracts for April next will be withheld until the receipt of the required Return.

2nd. To facilitate check it is particularly requested that the abstract for April be subdivided into distinct headings, so that each description of office, with its total, shall correspond with the details given in the Statement of Establishment for the 1st May.

3rd. It is also requested that the three separate Lists prescribed for all Uncovenanted Servants, Europeans, East Indians, and Natives (in the last the names of only those holding appointments of trust and responsibility should be inserted) employed on their establishments, be furnished for 1st May 1857, without delay.

E. BOLDERO,
Offg. Civil Auditor.

CIVIL AUDITOR'S OFFICE;
North Western Provinces,
Agra, the 16th March 1857.

Notice.

THE General Treasury will be closed on Friday, the 3rd Proximo, on account of the Hindoo Holiday, Shree Ramnobomee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 23rd March 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾s.) after Mean Noon.

FORT WILLIAM,
The 18th March 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Half a Second (½s.) before Mean Noon.

ORFEUR CAVENAGH, *Lieut.-Col.,*
Town Major.

FORT WILLIAM,
The 19th March 1857.

ABSTRACT of the Operations of the Government Saving's Bank from 1st May 1855 to 30th April 1856.

Balance due to 10,243 Depositors in 1854-55	... ...		10,92,830 4 7
Deposits in 1855-56	9,93,568 15 2		
Interest allowed to Depositors in 1855-56	36,715 8 3		
		10,30,284 7 5	
			21,23,114 12 0
DEDUCT.			
Withdrawals in 1855-56	7,72,949 7 6		
Investment in Government Loans	1,69,680 10 5		
		9,42,630 1 11	
Balance, Company's Rupees			11,80,484 10 1
LIABILITIES.			
Balance due to 10,926 Depositors in 1855-56	11,80,484 10 1		
Ditto at Credit of Bank Book Fund	5,649 0 0		
Ditto „ Suspense Deposit Account	821 10 10½		
		11,86,955 4 11½	
ASSETS.			
Balance due by General Books	11,50,239 12 8½		
Interest allowed to Depositors in 1855-56	36,715 8 3		
		11,86,955 4 11½	

HURCHUNDER DUTT,
Actuary, Government Saving's Bank.

J. I. HARVEY,
Secretary, Government Saving's Bank.

FORT WILLIAM;
Government Saving's Bank,
The 17th March 1857.

Notice.

REQUIRED for the District Roads under the Ferry Fund Committee of Patna, a Superintendent well versed in English and Urdu, and having an intimate knowledge of drawing out Plans, Estimates, use of the Levelling Staff, &c. &c. The Candidates should send in their Applications, with any Testimonials they have of their qualification and character, to the undersigned. The monthly pay of the appointment is fixed at Rupees 150.

J. M. LOWIS,

Offg. Magistrate, and Ex-Officio Secretary, Ferry Fund Committee

PATNA MAGISTRACY,
The 24th February 1857.

Wanted.

By the Howrah Ferry Fund Committee,—an Overseer. He must thoroughly understand the various descriptions of work under the control of the Ferry Fund Committee, including Surveying and the preparation of Plans and Estimates.

Salary—(100) one hundred Rupees, and (20) twenty Rupees travelling allowance,—in all (120) one hundred and twenty Rupees monthly.

This salary will be increased at the commencement of the next year on certain conditions, which, with all other particulars, may be learnt from the undersigned on any day of the current month.

No applications received after the 31st March.

J. J. GREY,

Offg. Magistrate and Secy. to H. F. F. C.

HOWRAH,
The 10th March 1857.

SEALED TENDERS from Professional Builders only, will be received by the Civil Architect, in his Office, in Calcutta, up to 4 P. M., on Saturday 28th March 1857—

For white-washing, sand-rubbing, painting and repairing Saint Stephen's Church at Kidderpore.

Time for execution—(2) two months.

Specification, forms of tender, and further information to be obtained from the Civil Architect's Office in Calcutta.

A deposit in cash of one hundred (100) Rupees is required with each Tender, subject to forfeiture if the Tender be withdrawn.

Tenders not prepared in strict accordance with the "Contract Rules," dated Military Board Office 28th March 1853, will be returned.

By order of the Chief Engineer Lower Provinces,

C. B. YOUNG, *Captain,*
Civil Architect.

Sheriff's Office, the 4th March 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature, at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the Thirtieth day of March Instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,

Sheriff.

শরিফ আফিস ৪ মার্চ ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ২০ মার্চ ১৮৫৭ সাল সোমবার দুই প্রহরের সময় কলিকাতার ফোর্ট উইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোর্ট উইলএমের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেল্‌টী অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান জতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘন্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,

Sherff.

For Dacca and Assam.

THE Cargo Boat *Kaleegungah*, in tow of the Hoorungotta will leave on the 31st instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

J. WOODLEY,

Clerk of the Govt. Boat Office.

The 20th March 1857.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Jggessur Doss, of Gurrunhutta, in Calcutta, Cloth Merchant, an Insolvent. } On Tuesday, the 10th day of March instant, it was, on the petition of Dabey Shaw and Bhowanee Dulall, Creditors of the said Insolvent, adjudged that the said Juggessur Doss hath committed an Act of Insolvency under the provisions of the Act XI. Vic. cap. XXI., and by another order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Goodall, *Attorney.*

In the matter of Lucas Young, late of Sulkeah, in the 24-Pergunnahs, but at present residing at Jorasanko, in Calcutta, an Assistant to Messrs. Seton and Co., of Cossitollah, in Calcutta, Coach Builders, an Insolvent. } On Monday, the 16th day of March instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Beeby, *Attorney.*

In the matter of George Shallow, in Insolvent. } On Saturday, the 7th day of March instant, it was ordered that Saturday, the 2nd day of May next, should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liability for debts, claims, and demands, of and against the said Insolvent at the time of the filing of his petition for relief.

Robertson, *Attorney.*

In the matter of Charles Gregory Deiderick Betts, an Insolvent. } On Saturday, the 7th day of March instant, it was ordered that the first Saturday in the month of March 1858 should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent should be discharged personally, as well as to his after-acquired property, from all liability for debts, claims and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Allan, Judge and Lingham, *Attorneys.*

In the matter of Thomas Dickson, an Insolvent, } On Saturday, the 7th day of March instant, it was ordered that the first Saturday in the month of March 1858 should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after-acquired property from all liability for debts, claims and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Denman, Hatch and Davis, *Attorneys.*

Chief Clerk's Office, 19th March 1857.

In the matter of Rose Mary Gill, an Insolvent. } On Saturday, the 7th day of March Instant, by an order of this Court, the said Insolvent was adjudged entitled to her personal discharge under the Act XI. Vic. cap. XXI., as to all persons named in her Schedule as Creditors or claiming to be Creditors respectively, except the debt of Sookmey Ghose, for Co.'s Rs. 16; Sibchurn Bearer, for Co.'s Rs. 8; and Ramjoy, for Co.'s Rs. 25, who appear not to have been served with the notice of the hearing in this matter.

Homfray, *Attorney.*

In the matter of John Walter O'Sullivan, an Insolvent.

In the matter of Thomas Cavendish Fenwick, an Insolvent.

In the matter of Caroline Wallis, an Insolvent.

In the matter of Thomas Dickson, an Insolvent.

In the matter of William Gardener, an Insolvent. } On Saturday, the 7th day of March Instant, by five several orders of this Court, the said Insolvents were respectively adjudged entitled to their personal discharge, under the Act XI. Vic. cap. XXI., as to all persons named in their Schedules as Creditors or claiming to be Creditors respectively.

In the matter of Albertina Charlotte Ross, an Insolvent. } On Saturday, the 7th day of March Instant, it was ordered that the order made in this matter on the 7th day of February last, should be further enlarged, and the further hearing of this matter should stand adjourned until Saturday, the 4th day of April next.

Marshall, *Attorney.*

In the matter of John Mackay, an Insolvent. } On Saturday, the 7th day of March Instant, it was ordered that the order made in this matter on the 3rd day of December 1853, should be further enlarged, and the further hearing of this matter should stand adjourned until Saturday, the 4th day of April next.

Allan and Judge, *Attorneys.*

In the matter of Kalleedoss Singhee, late of Mirzapore, in Calcutta, Merchant, an Insolvent. } On Saturday, the 7th day of March Instant, it was ordered that the hearing of this matter should stand adjourned, until Saturday, the 2nd day of May next, and that the order made in this matter for the *ad interim* protection of the said Insolvent from arrest should be enlarged to the said 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Sherrington, *Attorney.*

In the matter of Charles Gregory Dederick Betts, an Insolvent. } On Saturday, the 7th day of March Instant, by an order of this Court, the said Insolvent was adjudged entitled to his personal discharge under the Act XI. Vic. cap. XXI., as to all persons named in his Schedule

as Creditors or claiming to be Creditors respectively, except the debt of Bulloram Sing for Co.'s Rs. 50, who appears not to have been served with notice of the hearing of this matter.

Allan, Judge and Lingham, *Attorneys.*

In the matter of Shaik Paunch Cowrie, formerly of Tirretta Bazar, in Calcutta, and afterwards of Dhurrumtollah, in Calcutta, Butcher, and now residing at Emambaug Lane, in Calcutta, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act. XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 20th day of March Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

In the matter of Shaik Paunch Cowrie, formerly of Tirretta Bazar, in Calcutta, and afterwards of Dhurrumtollah, in Calcutta, Butcher, and now residing at Emaumbaug Lane, in Calcutta, an Insolvent.

On Friday, the 20th day of March Instant, it was ordered that the matters of the petition of the said Insolvent, should be heard on Saturday, the 6th day of June next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of David Calder, of No. 2-4, Crooked Lane, in Calcutta, late Head Accountant in the Central Office of Audit and Account in Rangoon, an Insolvent.

Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court, on Tuesday, the 31st day of March Instant, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Insolvent in person.

In the matter of David Calder, of No. 2-4, Crooked Lane, in Calcutta, late Head Accountant in the Central Office of Audit and Account in Rangoon, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap XXI, was filed in the Office of the Chief Clerk, on the 23rd day of March Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

In the matter of David Calder, of No. 2-4, Crooked Lane, in Calcutta, late Head Accountant in the Central Office of Audit and Account in Rangoon, an Insolvent.

On Monday, the 23rd day of March Instant, it was ordered that the matters of the petition of the said Insolvent should be heard on Saturday, the 6th day of June next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of William Bontein, late of Lahore, in Punjab Territories, at present residing at Nuncoo Jemadar's Lane, in Calcutta, formerly carrying on business as Carrier in co-partnership with William Calderwood Brown, of Delhi, in the North-Western Provinces of India, and jointly with Henry Tupsell and William Munton, under the name and style of the General Transit Company, and the Carriage and Waggon Train Company, and late an Assistant in the Chief Engineer's Office, Lahore, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act. XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk, on the 21st day of March Instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Insolvent in person.

In the matter of William Bontein, late of Lahore, in Punjab Territories, at present residing at Nuncoo Jemadar's Lane, in Calcutta, formerly carrying on business as Carrier in co-partnership with William Calderwood Brown, of Delhi, in the North-Western Provinces of India, and jointly with Henry Tupsell and William Munton, under the name and style of the General Transit Company and the Carriage and Waggon Train Company, and late an Assistant in the Chief Engineer's Office, Lahore, an Insolvent.

On Saturday, the 21st day of March Instant, it was ordered that the matters of the petition of the said Insolvent, should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

Chief Clerk's Office, 23rd March 1857.

Report showing the smallest depth of water in the Bhaugiruttee, Jellinghee, and Matabangah Rivers, also their rise and fall, from 8th to 15th March 1857.

Names of Rivers.	*Smallest Depth of Water.*		*Rise.*		*Total Rise.*		*Fall.*		*Total Fall.*	
	F.	*I.*	*F.*	*I.*	*F.*	*I.*	*F.*	*I.*	*F.*	*I.*
Bhaugiruttee River*										
At its entrance ..										
Below the entrance										
From thence to Jungypore ..		Closed.								
From Jungypore to Sadduckbaug										
From Sadduckbaug to Berhampore ..	1	2	0	2⅞	0	2⅞	0	0	0	0
From Berhampore to Cutwa ...	1	5								
And from Cutwa to Nuddeah ...	2									
Jellinghee River.										
At its entrance ..										
From thence to Bausmarree ...		Closed.								
From Bausmarree to Teeahkattah										
From Teeahkattah to Sonatullah	1	2								
From Sonatullah to Moisgunge	1	8								
Matabangah River†										
At its entrance .	3	6	0	0	0	0	0	4⅝	0	5⅛
From thence to Haut Boleah. ...	2	4								
From Haut Boleah to Katchikattah	1	8								
From Katchikattah to Kishengunge ...	2									
And from Kishengunge to Seebpore ..	3									

Height of Water on Gauge at Berhampore on the 15th March 1857 + 1 Foot 9 Inches.

H. FORBES, *Lieut.*,
Supdt. Nuddea Rivers.

Berhampore, 21st March 1857.

* The River rose 2⅞th of water by the fall of heavy showers of rain on the hills.

† No changes.

Notice.

THE INTEREST AND RESPONSIBILITY of Baboo Ramdhone Ghose in our Firm, ceased on the 1st instant, and Baboo Charoo Chunder Ghose has been admitted as a Partner.

AUSHUTOS DAY AND CO.

Calcutta, 7th March 1857.

Notice.

THE undersigned beg to notify that, from the date given below, they purchased and took over the Good-will, Stock, and Fittings-up connected with the late Business of W. STUBBS & Co.

The Firm will be hereafter carried on under the style of CARTNER, NEWSON AND CO., and will comprise in its details the usual transactions of BEER, WINE, SPIRIT, TEA AND CIGAR-MERCHANTS, OILMEN, AND GROCERS.

CARTNER, NEWSON & Co.

Calcutta, February 1st 1857.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions

If to be remitted through the Corporation, ... Without charge.

If to be paid in India, a Commission will be charged of .. 1-4th per Cent.

On returning Government Paper or Share Certificates out of safe custody, ... 1-4th per Cent.

On the purchase of Government or other Securities, ... 1-4th per Cent.

On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ... Without charges

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION ;
Calcutta, 29th January 1855.

LOST.—A Government Promissory Note, or Company's Paper, No. 33863, of 30th June 1841-42, of the five per Cent. Loan, for Company's Rupees Seven Hundred, standing in the name of Heerjee Joota, and bearing his endorsement. Payment of the above Note, and of the interest thereon, has been stopped at the Loan Office, and an application made to Government for the issue of a duplicate Note, in favor of Hurgobind Roy Soorjeemull, the purchasers thereof from the said Heerjee Joota.

TEMPLETON AND CARAPIET,
Attorneys for Hurgobind Roy Soorjeemull.

3, *Old Post Office Street, Calcutta, The 14th March* 1857.

বিজ্ঞাপন।

এক কেতা গবর্ণমেণ্ট প্রামিসরি নোট অথবা কোম্পানির কাগজ নং ৩৩৮৬৩ তারিখ ৩০ জুন সন ১৮৪১।৪২ কোম্পানির সিকা ৫ পাঁচ টাকা শত করা সুদের দরুন মঃ কোম্পানির সিকা ৭০০ সাত শত টাকার মূল্যের এবং হিরজি জুতার নামে ও তাহার ইণ্ডার্শ অর্থাৎ স্বাক্ষর করা খোয়া গিয়াছে ঐ কাগজের টাকা এবং সুদ লোন আফিসে বন্দকরা গিয়াছে এবং গবর্ণমেণ্টের সমিপে তাহার ডুপ্লিকেট নোট শ্রীহরগোবিন্দ রায় সুরজি মল খরিদারের নামে পাইবার প্রার্থনা করা গিয়াছে ইতি ১৮৫৭ সাল তারিখ ১৪ মার্চ।

টেম্‌পিল্‌টন ও কেরাপিএট।
উকীল তরফ শ্রীহরগোবিন্দ রায়।
সুরজি মল।

মোং কলিকাতা।
নং ৩ পুরাতন ডাকঘরের রাস্তা।

LOST.—In the Transit by Dâk from Chittagong to Calcutta:—

2nd Half of Bank of Bengal Note, No. 37107, for Rs. 100
Ditto ditto, No. 28698, for Rs. 50
Ditto ditto, No. 29197, for Rs. 50
1st Half of do, No. 28069, for Rs. 50
Ditto ditto, No. 28257, for Rs. 50

Payment of the above has been stopped at the Bank of Bengal.

THIS-DAY (26th JANUARY)

IS PUBLISHED

THE BENGAL DIRECTORY, ALMANAC, &c
For 1857,
FOR THE TOWN OF CALCUTTA, BENGAL, THE NOR-WEST, PUNJAUB, ARRACAN, ASSAM, PEGUE, AND TENASSERIM PROVINCES.

In one Thick Octavo Volume

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An improved complete POSTAL, TELEGRAPH, and RAILWAY MAP OF INDIA, showing all the DAWK and BANGHY ROUTES, the LINES of the ELECTRIC TELEGRAPH, and all the LINES of RAILWAY Open, in Progress, or Projected.

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SHIPPING ARRIVALS AND DEPARTURES FOR 1856.
DOMESTIC OCCURRENCES FOR DITTO.
ADVERTISEMENTS.

SAMUEL SMITH & CO.

Jan. 26, 1857.

Post Office Notifications.

No. 2126.

NOTICE is hereby given, that in consequence of the departure of the Steamer *Fiery Cross* having been postponed, the Mails for the Straits and China will be closed at this Office, on Wednesday, the 25th Instant.

CALCUTTA;
General Post Office,
The 21st March 1857.

T. GARRETT,
Offg. Deputy Post-master General.

No. 2131.

OVERLAND MAIL.

THE Overland Mail, *viâ* Marseilles and Southampton, and the intermediate Ports Madras, Ceylon, Aden, Penang, Singapore and Hong-kong, per P. and O. Co.'s Steamer *Bentinck*, will be closed at this Office, on Wednesday, the 8th Proximo.

1*st.*—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd.*—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd.*—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th.*—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th.*—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th.*—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th.*—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th.*—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th.*—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th.*—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th.*—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th.*—Only one paper can be sent in one cover.

FORT WILLIAM;
General Post Office,
The 23rd March 1857.

T. GARRETT,
Offg. Deputy Post-master General.

It is hereby notified, that unless marked for particular Ships, all Letters received at the General Post Office between Monday the 16th March 1857 and Sunday the 22nd March 1857, both dates inclusive, were despatched by the under-mentioned Vessels, which sailed from Calcutta on dates specified :—

Letters received on dates, from and to	*By what Ship despatched.*	*Bound to*	*Remarks.*
16th to 19th March 1857..	Bissu Young.. ..	Sydney ..	Left Town on the 20th March.
16th to 22nd ditto ..	Steamer Cape of Good Hope ...	Rangoon and Moulmein ..	Ditto 23rd ditto.
16th to 22nd ditto .	Steamer Lightning ..	Penang, Singapore and China	Will sail on the 26th ditto
16th to 22nd ditto ...	Thomas Blyth ..	Mauritius ..	Ditto in a day or two.

CALCUTTA ;
General Post Office,
The 24th March 1857.

T. GARRETT,
Offg. Deputy Post-master General.

CALCUTTA :—Printed and Published by JOHN GRAY, *at the "* CALCUTTA GAZETTE" OFFICE, *No.* 51, *Council-House Street, for the Government Contractors,* SAMUEL SMITH AND CO., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

WEDNESDAY, MARCH 25, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee who are to report thereon after the 18th of June next :—

A Bill for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Madras for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

Preamble.

WHEREAS it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Madras to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the Presidency of Fort St. George as are subject to the general Regulations of the Madras Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Fort St George as are subject to the General Regulations of the Madras Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court.

1. The Sudder Court at Madras shall possess the appellate and other Criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following :—

COURTS OF SESSION ;
COURTS OF THE MAGISTRATES ;
SUBORDINATE COURTS ; namely—

Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor in Council shall from time to time pass.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

Ministerial officers

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

No person excepted from jurisdiction by reason of place of birth or of descent.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1*st*. Offences entered in Schedule A. of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II, whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorized as such officer, to investigate or report on any matter of law or fact;

Every head jailer;

Every head officer of police.

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Magistrates, their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A. of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts, their jurisdiction as to offences.

13. In cases tried by the Courts of Session in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Magistrates, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, first class, their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, second class, their penal jurisdiction.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Clauses 8 and 9 Chapter III of the Penal Code, in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorized to hold the preliminary inquiry into cases triable by the Session Courts, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

Subordinate Criminal Courts may be empowered to prepare cases for trial before the Session Court.

CHAPTER III.

PRELIMINARY RULES.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Complainants and witnesses to be examined without oath, affirmation, or warning.

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

No person excepted from Criminal Procedure by reason of place of birth or of descent.

CHAPTER IV.

OBTAINING A SUMMONS OR WARRANT.

1. Where an offence has been committed, or is suspected to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of preliminary inquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

2. The proceeding by summons may be in the cases and shall be subject to the rules hereinafter contained.

Summons.

3. The proceeding by arrest may be either—

Arrest.

(1.)—By warrant;
(2.)—Or by a private person without warrant;
(3.)—Or by an officer without warrant.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

Complaint.

5. Every complaint made before a magistrate or head officer of police, in order to the issuing of a summons or a warrant against a person accused of any offence, either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the magistrate or head officer of police issuing the summons or warrant.

To be reduced into writing and signed.

6. Upon such complaint duly made before a magistrate, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other magistrate or Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Magistrate, how to proceed on complaint.

7. Upon such complaint duly made before a head officer of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such head officer there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

Head officer of police, how to proceed on complaint.

8. Every summons issued by a magistrate or head officer of police to a person so accused shall be in writing, under the hand and seal of the magistrate or head officer of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a head officer of police, to appear before such head officer at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons, what it is to contain, and how to be directed.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Summons how to be served.

10. A magistrate or head officer of police may, notwithstanding such summons either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

Notwithstanding summons, warrant may issue in certain cases.

11. A magistrate of one district or head officer of one division may grant a warrant for the apprehension of a suspected offender within that district or division, as the

Warrant when grantable for an offence committed beyond local jurisdiction.

case may be, in respect of an offence of which the law takes cognizance, committed in a different district or division, or on the high seas, or in a foreign country.

Where an offence may be investigated and tried in one of two or more jurisdictions.

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. Where any offence shall be committed on any person, or on or in respect of any property, in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be inquired of and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be inquired of and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

Receiving, &c. stolen property.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Unlawfully receiving property.

18. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or converted such property, may be prosecuted and punished for any offence committed thereby.

Escape from lawful custody under sentence.

19. Any offender who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district where he shall be apprehended and re-taken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is mentioned, the term "inquired of" shall be deemed to comprise every proceeding preliminary to trial; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial; unless in any such case there be something in the subject or context repugnant thereto.

What is a district, and what a division.

23. The local jurisdiction of the magistrate of a zillah or district shall for the purposes of this Act be deemed a district; and the local jurisdiction of a moonsiff or head officer of police

be deemed a division; provided that nothing herein contained shall be held as authorizing a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a head officer or nazir.

5. A warrant directed to a head officer of police or to a nazir may be executed by any officer subordinate to such head officer of police or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII Article 7 or Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Head officer of police how to proceed in such cases.

13. If the warrant under Chapter IV Article 11 shall have been granted by a head officer of police, the head officer of police shall send the person arrested to the magistrate, to whom such head officer of police is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

division of the district in which the division of the head officer of police who granted the warrant is comprised; in such case the head officer of police who granted the warrant shall send the person arrested to the head officer of police of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant, how to be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

Unnecessary restraint.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of substance of warrant

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavor to arrest.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22 Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duty made, he cannot otherwise obtain admittance.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open a *zenanah* or female apartment.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Party arrested to be brought immediately to the authority mentioned in the warrant.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

No threat, promise, or caution, as to disclosure by party arrested.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

but shall, when necessary, apprize him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence for which a warrant may issue on complaint is made, or who may be found with stolen goods in his possession.

A proclaimed offender · hue and cry.

3. A police officer, or other person, may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or head officer of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

Obstruction of a police officer in his duty.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the police division.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.

Arrest for an offence committed in the presence of a magistrate.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

Person arresting may re-take on escape, and deal with the party arrested as on original taking.

1. If a person lawfully arrested on a criminal information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to re-take any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the head officer of police within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a head officer of police may, in the event of the head officer not being able to proceed in person, be executed by any officer subordinate to such head officer above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

When a magistrate may grant a search warrant out of his jurisdiction.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

5. Whenever a head officer of police shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

Search warrant when grantable by a head officer of police.

6. The head officer of police shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

How to be executed.

7. A head officer of police may require the head officer of police of another divsion, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

When a head officer of police may require a head officer of police of another division to issue a search warrant.

8. The head of officer police, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

Representations regarding anything for which search is to be made to be sent to magistrate.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

When the search is to be made.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of a zenanah or female apartment.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Property, &c., to be sent to the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE.

1. A head officer of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences into which the police officers may not inquire without special authority.

Offences under Chapter IX; provided that it shall be competent to a head officer of police to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a head officer of police to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the head officer of police may issue his warrant.

it shall be lawful for such head officer to issue his warrant to apprehend such person, and to cause him to be brought before such head officer.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such head officer before whom such a complaint is made, instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such head officer.

When head officer of police shall issue summons.

4. Upon a complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inquire, and which is punishable with imprisonment for a period not exceeding six months, such head officer shall issue his summons to such person, requiring him to appear before such head officer.

When the head officer of police may stay issue of process.

5. In the event of its appearing to the head officer of police, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended On the receipt of the head officer's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the head officer to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned.

6. Upon the issue of process for causing the attendance of the accused, the head officer of police shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Head officer of police may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a head officer of police from proceeding in person, or deputing a fit person from among the officers acting under him to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the head or other officer of police to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other head officers of police, whether subject to the same magistrate as himself or to the magistrate of any other district.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the head officer, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a head or other officer of police to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The head or other officer of police shall complete the inquiry with as little delay as possible, and if the head officer himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the head officer, who shall then proceed as if he had made the inquiry himself.

Accused not to be detained by the police beyond 48 hours, without special authority.

12. Provided that it shall not be lawful for the head or other officer of police to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a head or other officer of police, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The head officer shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Head officer how to proceed in cases of deficient evidence.

13. If it shall appear to the head officer of police that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

Proceedings of the head officer, of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the head officer of police shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence for expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The head officer of police shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A. as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

head officer of police shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the head officer of police may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

Police to report all apprehensions.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

Bail not to be excessive. Terms of security.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizance to appear before the magistrate.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

Witnesses not to be subjected to restraint.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the head officer of police to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

By whom the powers of the head officer of police may be exercised in his absence or illness.

21. The powers to be exercised by the head officer of police under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorized cognizance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How head officer of police is to proceed in regard to cases triable by the Subordinate Criminal Courts

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the head officer of police shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

Contempt of lawful authority under Chapter X of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and

Punishment may be remitted on submission of the offender.

provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

Advocate General may file criminal charges.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

To follow the rules relating to charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

Prosecutions for certain offences not to be instituted but under authority of Government or of a duly empowered officer.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution for certain offences under Chap. X of the Penal Code not to be instituted but with the sanction of the public servants concerned.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

Mode of proceeding in cases mentioned in the two last preceding Articles.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Magistrate may issue his warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

May dismiss the complaint.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with the personal attendance of the accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

To be in the presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

19. The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers ; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination ; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Examination to be admitted as evidence on the attestation of the magistrate.

No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Discretionary with the magistrate to take evidence for the defence.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery, thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation, it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed, and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

When Sudder Court or Session Court may direct the commitment of a person to whom a pardon may have been tendered.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

When Sudder Court or Session Court may direct a tender of pardon.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference, to instruct the magistrate to tender a pardon to one or more persons supposed

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

Sudder Court may revise proceedings when a pardon may have been tendered.

27 It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

Bail not to be taken for certain offences if proof of guilt.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him ; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

When may be taken.

When bail shall be taken.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

Recognizance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

Bail may be taken any time before conviction.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court ; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment, how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known ; but if it be not known, then a description of his person, stating the refusal to tell his name ; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol ; and if he be not, with his deputy ; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days ; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order ; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

How the offence is to be described.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

Absence of General Exceptions under the Penal Code to be assumed.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance ; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

Clause of the Penal Code containing an exception, not a General Exception.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

Heads of charge.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect :

Forms of Charge.

(a) I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the Charge :

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; *(c)* and within the cognizance of the [*style of the Court*].

On Clause 1 Chapter VI.

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate.*]

Where the magistrate tries the case, there must be substituted for *(c)*:
within my cognizance; and the words "by the said Court" in *(d)* may be omitted.
To be substituted for *(b)*.

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

On Clause 4 Chap. VI applied to Clauses 3 Chap. VI and 28 Chap. XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the [*style of the Court.*]

On Clause 1 Chap. IX.

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

On Clause 81 Chap. XVII applied to Clauses 2 and 80 of the same Chapter.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

Two or more offences punishable under the same Clause.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Cases of doubt as to the Clause which is applicable, or the offence which may be proved.

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

Form of charge of more than one head.

11. When a charge contains more heads than one, the form shall be as follows, or to the same effect :

Forms of Charge.

I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the charge :

On Clauses 13 and 14 Chap. XII.

First : That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly : That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly : That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate, &c.*].

On Clauses 4 and 6 Chap. XVI.

First : That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 4 Chap. XVII.

First : That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly : That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly : That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 28 Chap. XVII.

First : That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly : That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

Amendment of charge.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

When the trial may be immediately proceeded with after amendment.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered, or trial suspended.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge ; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution

CHAPTER XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Cases in which magistrate may issue a warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Summons instead of warrant.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with personal attendance of accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant indorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c., of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

ect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district. in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer may be committed to custody

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which. in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

To be in presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person. and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Bail and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Evidence for the defence

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Witnesses for the defence.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

Cases in which a Summons on Complaint shall issue to the Defendant.

Complaint and issuing of Process for causing the attendance of the Accused.

Summons shall issue.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

When warrant may issue.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

Service of summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

When magistrate may refuse summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

If summons be not obeyed, warrant.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate may dispense with personal attendance of accused.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

Summons to witness to attend and give evidence.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

Diet money for witnesses.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Magistrate may summon necessary evidence.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Application of previous rules.

Bail.

10. If upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Defendant may be admitted to bail or to be at large upon personal recognizance.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

Admission by defendant of truth of complaint.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

Proceeding when no such admission is made.

in his defence ; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Adjournment.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties ; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant ; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable ; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable ; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

Cases how to be referred.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

Subordinate Criminal Courts to follow the same rules of procedure as the magistrate.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

Mode of proceeding in cases beyond jurisdiction.

4. In every case before a Sudordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

5. Provided that nothing in the last preceding Article shall be held to interfere with the exercise of power specially conferred upon a judge of a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with criminal offences to take their trial before the Session Courts.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

Place where investigation made, an open Court.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

1. Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court.

Security to keep the peace.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

Personal recognizance without conviction.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

Security without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

For one year.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For more than one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

Imprisonment not to exceed period of recognizance and security.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty of personal recognizance.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1. Whenever it shall appear to a magistrate from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

When magistrate may require security for good behaviour for one year.

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

How to proceed in cases beyond one year.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

Case to be laid before the Session Court.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Session Court may require security not exceeding three years.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

What the order for security is to contain.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

7. The magistrates are empowered, at all times to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

When he must report.

8. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

How persons who have become sureties may discharge themselves.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty by sureties.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

CHAPTER XXI.

JURIES AND ASSESSORS.

Trials to be by jury.

1. The Governor in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor in Council may from time to time revoke or alter such Order.

Trial by jury, before the Session Court, of registered persons.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor in Council may see fit to extend this rule, registered according to such rules as the Governor in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

How the jury is to be constituted.

Joinder of registered and non registered persons.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial.

How the jury is to be constituted in such cases.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

Number of which the jury is to consist.

Number of voices necessary to a verdict of guilty.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Jury not to consist of less than three.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor in Council shall from time to time direct.

Trials before the Session Court with assessors.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Who are capable of serving as jurors and assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Sudder Court to make rules in regard to jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor in Council.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

Cognizance of offences by the Session Court in original jurisdiction.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty"

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Refusal to plead, or plea of "not guilty."

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

Witnesses for the defence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

Adjournment.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Jury or assessors to attend at adjourned sitting.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Delivery of opinions of assessors.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

Of verdict of jury.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

Difference of opinion between Sudder Court and Session Court as to offence proved.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

Hearing of case referred, tried by jury.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the Judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

4. The finding and sentence shall be recorded in the following form, or to the same effect:—

Form of finding and sentence.

In trials by Jury:

When the Jury are unanimous:

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [*sentence*].

2*nd*. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty :—

3*rd*. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [*sentence*].

4*th*. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5*th*. When the Jury are not unanimous, but any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the form No. 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6*th*. The Jury (*or* the majority of the Jurors consisting of
of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (*or* the Court concurs in such finding and directs) that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials with Assessors :

7*th*. The Court, concurring with the Assessors, (*or* one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge ; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be [*sentence.*]

8*th*. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be discharged.

9*th*. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge ; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code ; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors :

10*th*. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [*sentence*].

11*th*. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

12*th*. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [*sentence*].

13*th*. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court ; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6. Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be ne-

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Judgment on offender already imprisoned under sentence for another crime.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

Party tried upon formal charge not liable to renewed prosecution.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements of calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI.

APPEALS.

No appeal in cases of acquittal.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

Appeal in cases of conviction.

2 An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court, but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

Appeals from orders in proceedings other than trials.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of subordinate Courts.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTORS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence penalties ..	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence.	Idem	Idem	Idem	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	

CHAPTER V.—OF PRINCIPALS AND ABETTORS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅓ of the longest term, or fine. or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life, or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years. also liable to fine.	
3	Assaulting Governor Grneral, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine.
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner	Not bailable	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer. Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. *Exception*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty	6. When admitting of cumulative Punishment.
3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8	Rioting armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both.	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade ..	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property.	Idem	Idem	Idem..	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c., in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed ; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c., in a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the notice or information required respects the commission of an offence, &c.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative. Clause 1,

15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorized sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding.	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence.	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.	
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.	
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.	
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Session Court	Same as for giving such evidence.	
8	Using as a true certificate one known to be false in a material point.	Idem	Idem	Idem.	
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.	
10	Using as true any such declaration known to be false.	Idem	Idem	Idem.	
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
	If punishable with less than 14 years' imprisonment.	Idem	By the Court by which the offence is triable.	Idem not exceeding ½ longest term and fine, or both.	
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate	Imprisonment of either description to 6 months, or fine, or both.	
13	Giving false information respecting an offence committed.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.	
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.	
18	Fraudulently sufferring a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Idem	Idem	Idem.	

19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure...	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender if the offence be capital ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem . ..	Session Court	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.
	If with imprisonment to 1 year and not to 14 years..	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.			

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Bailable	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to appehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to 14 years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than 14 years.	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant.	Idem	Magistrate as limited by Chapter 11, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Simple imprisonment not exceeding 2 years or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to 14 years.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 14 years or upwards.	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine.	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment..	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

CHAPTER XII.—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5 Penalty.	6. When admitting of cumulative Punishment.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding seven years, also liable to fine.	
9	Import or export of counterfeit Coin knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine not exceeding 10 years, and fine.	
13	Knowingly delivering to another any counterfeit Coin as genuine, which when first possessed the deliverer did not know to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument.	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 5 years, also fine.
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 10 years, also fine.
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.
26	Delivery to another of Coin as genuine which when first possessed the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.
30	Sale of counterfeit Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.
32	Using as genuine a Government Stamp known to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.
34	Using a Government Stamp known to have been before used.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
35	Erasure of mark denoting that Stamp has been used.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure ..	Idem	Idem	Idem .. ..
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem .. ..
5	Making or selling false weights or measures for fraudulent use.	Idem	Idem	Idem .. ..

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Knowingly disobeying any rule of the quarantine laws.	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
6	Selling any food or drink as food and drink for man knowing the same to be noxious.	Idem	Idem	Idem.	
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	
8	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	
10	Defiling the water of a public spring or reservoir	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.	
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	

16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
18	So dealing with any explosive substance ..	Idem	Idem	Idem.	
19	So dealing with any machinery	Idem	Idem	Idem.	
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.	
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Idem	Idem	Fine not exceeding Rupees 200.	
22	Committing a public nuisance	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
23	Continuance of nuisance after injunction to discontinue.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
24	Sale, &c., of obscene books, &c.	Idem	Idem	Idem.	
	Exception.—Not to extend to any representation on or in any Temple or on any car used for the conveyance of idols.				
25	Having in possession obscene book, &c., for sale or exhibition.	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship.	Idem	Idem	Idem not exceeding 1 year, or fine, or both	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem	Idem	Idem	Idem.
5	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life.	Idem	Idem	Death	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding 14 years, and also fine.	
8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.	
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.	
10	Attempt to commit murder and doing any act, &c. with such intention or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.	
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.	
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.	
	Of the causing of Miscarriage, of injuries to unborn Children, of the exposure of Infants, and of the concealment of Births.				
14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If the woman be quick with child	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	

15	Causing miscarriage without woman's consent ..	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above-mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both. .
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36 ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem m	Imprisonment of either description not exceeding 7 years, also liable to fine.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Hurt—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocati n	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees, 2,000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 50, or both.	

Of wrongful Restraint and wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both	
45	Wrongfully confining for 3 or more days	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	

46	Wrongfully confining for 10 or more days	Idem	Idem-	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.
48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c	Idem	Idem	Idem.
51	While keeping a person in wrongful confinement, omitting to furnish him with any thing necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.

Of Criminal force and Assault.

55	Using criminal force otherwise than on grave provocation.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
57	Using criminal force in attempt to murder ..	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
59	Assault or criminal force with intent to dishonor a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or subordinate Criminal Courts, 1st class	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
62	Using criminal force on grave and sudden provocation.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.
63	Assault in cases not specially provided for when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder ..	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person.	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave. ..	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves.	Not bailable	Idem	Idem.	
76	Unlawful compulsory labor.	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine. ..	Cumulative.

Of Rape.

78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Unnatural Offences.

79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by Clerk or Servant of property in possession of Master or Employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Extortion.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Not bailable	Session Court	Imprisonment of either description not exceeding 5 years, also liable to fine.	

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.	
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.	
16	Voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
18	Murder in Dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
19	Robbery or dacoity with attempt to cause death or grievous hurt.	Idem	Idem	Imprisonment not less than 7 years.	
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.	
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.	
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.	
24	Being one of 5 or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.	

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's own use.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
29	Criminal breach of trust by a clerk or servant ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen.	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
34	Habitually dealing in stolen property	Idem	Idem	Idem.
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.

Of Cheating.

1. Clause.	2. Offence	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
38	Cheating	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c, to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.	
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.	
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.	
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.	
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.	
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.	

49	Mischief	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief committed after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine

Of Criminal Trespass.

69	Criminal trespass	Bailable	Magistrate, or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—(*Continued*)

Of Criminal Trespass—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	When admitting of cumulative Punishment.
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000. or both.	Cumulative, Clause 71.
72	House-tresspass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life or rigorous imprisonment not exceeding 14 years and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year added to one-third of the longest term for the offence intended, and also fine.	
75	House-tresspass, having made preparation for causing hurt, assault. &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking. ..	Idem	Idem	Idem	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking, house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 7 years, also liable to a fine.	

85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	Idem.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Forgery or using a forged document with intent to injure or deceive.	Idem	Idem	Idem	
5	Forgery of a record of a Court of Justice or of a Register of Births, &c. kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.	
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.	
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
8	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
10	Uttering or using as genuine a forged document which is known to be forged	Idem	Idem	As for forgery.	
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
13	Having possession of a valuable security or will knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.	
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Not bailable	Session Court	Imprisonment of either description not exceeding 10 years, also liable to fine.	
17	Fraudulently destroying or defacing, or secreting a valuable security.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
	Of Trade and Property-Marks.				
22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year. or fine, or both.	
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c. of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.	
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.	
28	Making use of any such false mark	Idem	Idem	Idem.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Idem	Idem	Idem.	

CHAPTER XIX.— THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.
2	A Seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.
3	Being bound to attend on or supply the want of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200 or both.
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.
2	A woman committing the same offence with a man ...	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine, or both.
3	Marrying again during the life-time of a husband or wife.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
5	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.
6	Adultery	Idem	Session Court or Magistrate ..	Imprisonment of either description not exceeding 5 years, or fine, or both.
7	Enticing or taking away a married woman.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.

CHAPTER XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter knowing it to be defamatory.	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem

CHAPTER XXII.—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

1. Clause.	2. Offence.	3. Whether bailable or not.	4, By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	If threat be to cause death or grievous hurt, &c. ...	Idem	Idem	Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem.	
6	Appearing in a public place, &c.. in a state of intoxication, and causing annoyance to any person.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both.	

CHAPTER XXIII.—OF ATTEMPTS TO COMMIT OFFENCES.

	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both.	

W. MORGAN,

Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

THIRD SUPPLEMENT TO

The Calcutta Gazette

Published by Authority.

WEDNESDAY, MARCH 25, 1857.

NOTICE is hereby given, that the under-mentioned Estate, in Zillah Bhaugulpoor, will be put up to public and unreserved Sale, at the Collector's Office of that District, on Monday, the 6th April 1857, or 27th Chyet 1264 Fuslee, for Arrears of Revenue :—

Class I.—Permanently-settled Estate.

No. 2259.—Invalid Jageer of Dawood Subadar, in Thannah Woodhowa, Nullah Pergunnah Kunk jole ; recorded proprietor, Shaik Udeeuth Oollah ; sudder jumma, rupees 21-12-8¼.

S. LUSHINGTON,
Offg. Collector.

COLLECTOR'S OFFICE ;
Bhaugulpoor,
The 19th March 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estate, in Zillah Mymensing, will be put up to public and unreserved re-sale at the Collector's Office of that District, on 14th April 1857, or 2nd Bysack 1264 B. S., Tuesday, for Arrears of Revenue :—

Class I.—Permanently-settled Estate.

No. 1847.—Prannath, Pergunnah Hosenshye ; recorded proprietor, Sreeshteedhur Roy, Auction purchaser ; sudder jumma, rupees 12-7-6.

B. COOPER,
Collector.

MYMENSING COLLECTORATE,
The 17th March 1857.

JOHN GRAY "CALCUTTA GAZETTE" OFFICE

The Calcutta Gazette.

Published by Authority.

Notifications.

THE 14TH MAY 1853.—*The Government of Bengal having entered into a Contract with Messrs. Samuel Smith and Co., for the execution of the Government Printing Work, from the 1st July next, Public Officers employed under this Government are hereby directed not to employ any other Printing Establishment for the execution of the Government Work from and after that date.*

CECIL BEADON,
Secy. to the Govt. of Bengal.

THE 2ND FEBRUARY 1855.—*The Government of Bengal having entered into a Contract with Messrs Samuel Smith and Co., for the execution of the Government Printing Work, all Public Officers under the Government of India at the Presidency are hereby directed not to employ any other Printing Establishment for the execution of Government Work.*

CECIL BEADON,
Secy. to the Govt. of India.

SATURDAY, MARCH 28, 1857.

Legislative Council.

The 21st March, 1857.

THE following Bill was read a second time in the Legislative Council on the 21st March 1857, and was referred to a Select Committee who are to report thereon after the 25th of May next:—

A Bill for the levy of Port-dues and fees in the Port of Calcutta.

Preamble.

WHEREAS it is necessary to fix the amount of the Port dues and fees to be hereafter levied and taken in the Port of Calcutta in accordance with the provisions of Act XXII of 1855; It is enacted as follows:—

Port-due chargeable on sea-going vessels of 20 tons and upwards entering the Port.

I. A Port-due, at a rate not exceeding the rate of four annas for every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of twenty tons and upwards which shall enter the said Port.

No Port-due in respect of vessels compelled by stress of weather to re-enter the Port.

II. Provided that no such due shall be chargeable in respect of any vessel which, having left the Port, is compelled to re-enter it by stress of weather, or in consequence of having sustained any damage.

Port-due in respect of Dhonies and country vessels.

III. The Port-due chargeable in respect of Dhonies and country vessels employed in the coasting trade, shall be at a rate equal to one-half the rate chargeable in respect of other vessels; and such due shall not be chargeable oftener than once in sixty days in respect of the same vessel.

Vessels entering the Port in ballast.

IV. Vessels entering the Port in ballast shall be charged with three-fourths of the Port-due which would otherwise be chargeable.

Tug Steamers and River Steamers.

V. Tug Steamers and River Steamers belonging to the said Port shall be liable to the Port-due specified in Section I of this Act; and the said due shall be chargeable in respect of every such Steamer once between the 1st day of January and the 30th day of June, and once between the 1st day of July and the 31st day of December in each year. The provisions of Section XLVI Act XXII of 1855 shall not be applicable to such Steamers.

Fees for certain services.

VI. Within the said Port, and at Diamond Harbour, fees may be charged for the following services at rates not exceeding those hereinafter specified, namely,

Hauling to or from chain moorings, each operation, ... Rs.	16
Hauling to or from swinging moorings, each operation,... ... ...Rs.	10
Re-mooring, ... Rs.	16
Hauling in or out of dock, each operation, ...Rs.	30
Removing from one part of the Port to another,... ... ... Rs.	25
Removing from one mooring to another at the request of the agent or master, Rs.	50
Hooking, ...Rs.	16
Measuring, ... Rs.	30

Commencement of Act.

VII. This Act shall commence and have effect from and after ; and from and after that date no Port-due or fee shall be levied at the said Port, except under the authority of Act XXII of 1855 and of this Act.

W. MORGAN,
Clerk of the Council.

Notifications, Appointments, &c.

No. 569.

Fort William, Home Department,

The 24th March 1857.

Notification.—The following Extract (paras. 1 to 3) from a Despatch, No. 20 of 1857, dated the 28th January, from the Hon'ble the Court of Directors, is published for general information :—

"1. We have permitted Mr. H. Stewart Reid "and Mr. E. Sandys to return to their duty on the "Bengal Civil Establishment.

"2. We have granted the under-mentioned "Members of the Bengal Civil Establishment "extensions of leave for the periods specified, "*viz.* :—

Mr. E. C. Bayley	...	6 months.
„ T. Bruce Lane	...	6 months on Sick certificate.
„ P. S. Melvill	...	
„ S. J. Becher	...	
„ T. Blomefield Lane		

"3. Mr. T. Blomefield Lane having failed to "prefer his application for an extension of leave in "sufficient time, to enable the necessary commu- "nication to be made to your Government, has "been informed that his appointment in India "will be declared vacant, and that his allowances "during his extended leave, will be at the reduced "rate of £250 per annum."

No. 600.

The 26th March 1857.

The Right Hon'ble the Governor General in Council is pleased to grant Captain MacViccar, of the 41st Regiment Madras Native Infantry, Agent for the Suppression of Meriah Sacrifice and Female Infanticide in the Hill Tracts of Orissa, leave of absence to visit Calcutta, preparatory to applying for permission to proceed to Europe on Medical certificate.

CECIL BEADON,

Secy. to the Govt. of India.

No. 1335.

Fort William, Foreign Department,

The 27th March 1857.

The Governor General in Council is pleased to recognize Mr. Johannes Mooyer, as Vice-Consul for Hamburg, Lubeck, and Bremen at Singapore, consequent on the departure to Europe of Mr. Otto Meyer.

No. 1336.

With reference to G. O. dated 15th August last, No. 4371, Captain C. W. E. Howard, of the 4th Light Cavalry, is appointed Cantonment Joint Magistrate at Umballah as a permanent arrangement.

No. 1337.

Mr. T. C. Harton is appointed to be Master Attendant and Marine Store Keeper at Moulmein.

No. 1338.

Mirza Abbas Beg is appointed to be an Extra Assistant Commissioner of the 3rd Grade in Oudh.

No. 1339.

Captain T. Davies, Commandant of Hill Rangers, Hyderabad Assigned Districts, is appointed by the Governor General in Council to be a Joint Magistrate and Agent for the Suppression of Highway Robberry, Dacoitee, &c., in the Districts of North and South Berar.

No. 1340.

Mr. W. J. Raynor received charge from Mr. E. J. Boldero, of the Punjab Civil Auditor's Office, on the 4th instant.

No. 1341.

Dr. W. W. Hende, Civil Surgeon at Nagpore, has obtained leave of absence for one month, from the 9th instant.

No. 1342.

Lieutenant A. O. Mayne, Commandant of Artillery, United Malwa Contingent, left Mehidpore on the 5th instant, in pursuance of the leave granted to him in G. O. dated 13th February last, No. 711, and 10th instant, No. 1104.

No. 1343.

The Governor General in Council is pleased to appoint Captain W. McNeile, 5th Regiment N. I., to be an Assistant Commissioner of the 3rd Class in the Province of Oudh.

G. F. EDMONSTONE,

Secy. to the Govt. of India.

No. 16.

Fort William, Financial Department,

The 16th March 1857.

The following Extract para. 1, from a Despatch from the Hon'ble the Court of Directors, addressed to the Government of India in the Financial Department, No. 6 of 1857, dated the 14th January, is published for general information:—

Letter from, dated 17th July 1856, No. 110.
Submit for the Court's orders a question raised by the Offg. Civil Auditor, N. W. Provinces, with reference to Sections XII. and XIV. of the new Civil Absentee Rules.

Para. 1.—The question here put as whether the reckoning for Privilege Leave under Section XII. of the new Rules is to be considered as interrupted by the grant of special leave on private affairs for six months under Section XIV., and to be therefore subject to renewal from the date of the Civil Servant's return from the latter leave. We have no hesitation in answering this question affirmatively, any other construction of the Rules would be at variance with our decision in the case of Mr. F. A. Lushington, and with the instructions which we have on several recent occasions communicated to you, to which we feel it necessary to adhere.

By Order of the Right Hon'ble the Governor General in Council,

C. Hugh. Lushington,

Secy. to the Govt. of India.

No 45.

Fort William, Public Works Department,

Public.

The 27th March 1857.

Appointments.—Captain C. B. Young, of Engineers, Civil Architect, Calcutta, is appointed Superintending Engineer 1st Circle, Bengal, *vice* Lieutenant Colonel W. Abercrombie, of Engineers.

Lieutenant G. Price, of the 1st Bengal Fusiliers, Executive Engineer 2nd Class, Superintendent Cawnpore Division, Ganges Canal, is appointed Civil Architect, Calcutta, *vice* Captain C. B. Young.

No. 46.

The services of Lieutenant C. F. Packe, of the 4th Regiment Native Infantry, now employed under the Chief Engineer Punjaub, are placed at the disposal of the Hon'ble the Lieutenant-Governor, North-Western Provinces, for appointment to officiate as 2nd Assistant to the Commissioner of Ajmere.

No. 47.

It is hereby notified that the Citadel of Lahore and the Civil Buildings at Anarkullee will henceforth form a part of the Meean Meer Division of Public Works. Mr. D. Kirwan, Probationary Assistant Engineer, now in temporary charge of those Buildings, is posted as an Assistant in the Meean Meer Division.

No. 48.

Transfers.—The Right Hon'ble the Governor General in Council is pleased to sanction the following transfers:—

Gunner H. O'Donnell, Assistant Overseer	...	From the Western Sirhind Division to the Hindoostan and Thibet Road.
Serjeant W. McGilvray, Ditto	...	From the 7th Division Grand Trunk Road to the Hindoostan and Thibet Road.
Corporal F. Sullivan, Ditto	...	From the Lower Sirhind Division to Bengal.

No. 49.

Leave of Absence.—The Hon'ble the Court of Directors, in their Despatch to the Government of India, Public Works Department, No. 4, dated 28th January 1857, have intimated the grant, as a special case, to Mr. T. Login, Executive Engineer, Bassein River, of leave of absence for nine months, without pay, in addition to the six months' leave to Europe granted to him by Government Notification No. 144, of the 21st August 1856, thereby extending to fifteen months the whole period of his authorized absence from India, which period is to be regarded as if authorized under Section VIII. of Chap. III. of the Absentee Rules of the Uncovenanted Service.

W. E. Baker, *Colonel,*

Secy. to the Govt. of India.

No. 665.

Orders by the Lieutenant-Governor of Bengal.

Appointments.—The 13th March 1857.—Moulavy Mowla Buksh to be Sudder Ameen of Patna.

The 16th March 1857.—Mr. D. Cunliffe to be Collector of Behar, but to continue to officiate, until further orders, as Judge of Purneah.

Mr. A. A. Swinton to be Collector of Shahabad.

Mr. W. S. Seton-Karr to be Collector of Monghyr. but to continue to officiate, until further orders, as Judge of Jessore.

Mr. C. S. Belli to be Joint Magistrate and Deputy Collector of Bograh, but to continue to officiate, until further orders, as Collector of Moorshedabad.

Mr. F. R. Cockerell to be Magistrate of Hooghly.

Mr. W. J. Longmore to be a Joint Magistrate and Deputy Collector of the 2nd Grade.

Mr. E. C. Craster to be Magistrate of Dacca, but to continue to officiate, until further orders, as Joint Magistrate and Deputy Collector of Maldah

Mr. H. B. Lawford to be Magistrate of East Burdwan.

Lord H. U. Browne to be a Joint Magistrate and Deputy Collector of the 2nd Grade.

Mr W. Ainslie to be Magistrate and Collector of Bhaugulpore.

Mr. T. B. Mactier to officiate as Collector, Magistrate, and Salt Agent of Balasore.

Mr. C. F. Carnac to officiate as Collector of Dacca.

The 17th March 1857.—Mr. J. R. Ward, Commissioner for the Suppression of Dacoity, is vested with the powers of a Magistrate in the Districts of Pubna and Furreedpore.

The following Gentlemen to be Members of the Baraset Ferry Fund Committee :—

Mr. J. P. Hampton.
„ J. Cockburn.
Baboo Roy Mothoornath Moonshee.
Mr. W. W. Swinden.
Baboo Gobindchunder Bose.

Mr. W. S. Seton-Karr to be a Member of the Jessore Ferry Fund Committee.

The 18th March 1857.—Mr. W. J. Longmore to officiate as Magistrate of Rungpore.

Mr. E Drummond to be an Assistant to the Magistrate and the Collector of Dinagepore, and to exercise the special powers of an Assistant to a Magistrate described in Clause 3, Section II. Regulation III. of 1821, and Section I. Act X. of 1854, and the powers of an Assistant Collector described in Section XXI. Regulation VIII. of 1831.

Mr. J. D. Gordon to be in charge of the Sub-Division of Julpigoree, and to exercise the special powers of an Assistant to a Magistrate described in Clause 3, Section II. Regulation III. of 1821, and the powers of an Assistant Collector described in Section XXI. Regulation VIII. of 1831, in the District of Rungpore.

Mr. E. Grey to be in charge of the Sub-Division of Govindpore, and to exercise the special powers of an Assistant to a Magistrate described in Clause 3, Section II. Regulation III. of 1821, and the powers of an Assistant Collector described in Section XXI. Regulation VIII. of 1831, in the District of Manbhoom.

This cancels the appointment of Mr. Grey, under orders of the 27th ultimo, to the charge of the Sub Division of Cutwah.

Mr. H. W. Alexander to be Assistant to the Magistrate and Collector of Beerbhooom.

Leave of Absence.—The 16th March 1857.—Mr. V. H. Schalch, Officiating Collector, Magistrate, and Salt Agent of Balasore, for six months, to visit the Cape of Good Hope, on private affairs, under Section XIV. of the Revised Absentee Rules, and for fifteen days under Clause 2 of the same Section, commencing from the 1st May next.

Notification.—The 18th March 1857.—The Sub-Division of Sookanee, in the District of Rungpore, will in future be called the Sub-Division of Julpigoree, at which latter place are the Head Quarters of the Officer in charge.

A. R. YOUNG,
Secy. to the Govt. of Bengal.

Orders by the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 1261 of 1857.
General Department,
Agra, the 20th March 1857.

Notification.—The Hon'ble the Lieutenant-Governor's Camp having returned to Agra, the services of Assistant Surgeon William Walker, M. D., of the 2nd European Bengal Fusiliers, are placed at the disposal of His Excellency the Commander-in-Chief.

No. 1614 of 1857.
Judicial Department,
The 21st March 1857.

Appointments.—Lieutenant General Sir James Outram, K. C. B., Agent to the Governor General in Rajpootana (on special duty), to be Commissioner of the Neemuch District.

Lieutenant Colonel G Saint P. Lawrence, Officiating Agent to the Governor General in Rajpootana, to officiate as Commissioner of Neemuch, during the absence of Sir J. Outram, or till further orders.

Lieutenant Colonel H. M. Durand, Officiating Agent, Governor General, for Central India, to officiate as Commissioner in Nimar, during the absence of Sir R. Hamilton, Baronet, or till further orders

No. 1623 of 1857.

Mr. William Christian Watson to be Magistrate and Collector of Allygurh.

Mr. Bazet Westenhall Colvin to be Senior Assistant to the Commissioner of Kumaon in Kumaon.

Mr. J. O. B. Beckett to be Senior Assistant to the Commissioner of Kumaon in Gurhwal.

The above appointments will have effect from the date on which Mr. G. P. Money proceeded to Sea.

C. B. THORNHILL,
Offg. Secy. to Govt., N. W. P.

No. 1577 of 1857.
Judicial Department,
Agra, the 20th March 1857.

Leave of Absence.—Mr. Fergusson Floyer Hogg, Deputy Collector and Joint Mrgistrate in the Banda District, for two months, on private affairs, under Section XII. of the new Rules, from the date on which he availed himself of the leave.

By order of the Hon'ble the Lieutenant-Governor, North-Western Provinces,

R. C. OLDFIELD,
Asst. Secy. to Govt., N. W. P.

General Orders by the Right Hon'ble the Governor General of India in Council.

Fort William, 26th March 1857.

No. 457 of 1857.—The following Notification, from the Home Department, is published in General Orders :—

No. 582, dated 24th March 1857.—The Right Hon'ble the Governor General in Council is pleased to determine that the privilege of gratuitous medical attendance, which, under the Notification No. 107, of the 18th January 1856, is

allowed to the families of Military Officers not in Civil employ, shall be extended to the families of all Non-Commissioned Officers, whether they be in Civil employ or not.

No. 458 *of* 1857.—The following Notifications, from the Foreign Department, are published in General Orders :—

No. 1267, *dated* 20*th March* 1857.—The Governor General in Council is pleased to sanction an exchange of appointments between Lieutenant C. M. L. Clarke, Acting Second in Command, 5th Infantry Gwalior Contingent, and Lieutenant C. A. McDougall, Second in Command, 2nd Infantry of the Contingent.

No. 1268, *dated* 24*th March* 1857.—The Governor General in Council is pleased to appoint Assistant Surgeon H. Cotes, of the Bombay Medical Establishment, to the Medical charge of the Meywar Political Agency and the Civil Station of Neemuch, during the absence on leave of Dr. R. P. Jeston.

No. 459 *of* 1857.—The following Notification, issued by the Hon'ble the Lieutenant-Governor of Bengal, is published in General Orders :—

Appointments.—11*th March* 1857.—Assistant Surgeon H. Baillie to be Civil Assistant Surgeon of the 24-Pergunnahs.

Assistant Surgeon E. C. Thorp to be Civil Assistant Surgeon of Hooghly.

Assistant Surgeon H. T. Williams to be Civil Assistant Surgeon of East Burdwan.

No. 460 *of* 1857.—The following Notifications, issued by the Hon'ble the Lieutenant-Governor, North-Western Provinces, are published in General Orders :—

No. 1463, *dated* 17*th March* 1857.—*Appointment.*—Assistant Surgeon St. George Wade Tucker, M. D., of the 14th Irregular Cavalry, to be Civil Assistant Surgeon of Jhansi, from the date of Dr. Kemp's departure from the Station.

No. 1554, *dated* 19*th March* 1857.—Assistant Surgeon H. P. Harris to officiate as Civil Assistant Surgeon of Cawnpore, during the absence of Assistant Surgeon J. M. Tressidder, or till further orders.

No. 461 *of* 1857.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant and Brevet Captain Thomas Henry Wilson, of the 57th Regiment Native Infantry ...	For eighteen months, under the new Regulations.
Lieutenant Robert Henry Tulloh, of the 16th Regiment Native Infantry (Grenadiers), Assistant Engineer 2nd Class, Peshawur Division, Department of Public Works ...	For fifteen months, under the new Regulations.
Assistant Surgeon George Edward Givins, of the Medical Department, attached to the 17th Irregular Cavalry ...	For fifteen months, under the new Regulations.

Fort William, 27th March 1857.

No. 462 *of* 1857.—The following Orders are confirmed :—

Dated 28*th February* 1857.—The Order issued by the Brigadier Commanding the Punjaub Irregular Force, retaining temporarily the services of Assistant Surgeon H. Thom, M. D., for the Medical charge of the 1st Regiment Sikh Infantry, during the time that Regiment may be employed on Field Service.

Dated 14*th February* 1857.—The Regimental Order issued to the Guide Corps, appointing Lieutenant Q. Battye, Commandant of Cavalry and Officiating Second in Command, to officiate as Commandant of the Regiment ; and Lieutenant C. W. Hawes, Adjutant, to officiate as Commandant of Cavalry and Second in Command, in addition to his other duties, on the departure of Major H. B. Lumsden on special duty.

No. 36, *dated* 9*th March* 1857.—The Order issued by the Officiating Resident Hyderabad, confirming the Regimental Order by Captain W. Murray, Commanding 4th Regiment Cavalry Hyderabad Contingent, dated 27th February 1857, assuming charge of the Adjutant's Office from that date, consequent on Lieutenant and Adjutant Fraser, 4th Cavalry Hyderabad Contingent, availing himself of the leave of absence granted to him in General Order dated 17th February 1857, No. 22.

No. 463 *of* 1857.—The services of Assistant Surgeon W. G. W. Clemenger, A. B. and M. B., are placed temporarily at the disposal of the Hon'ble the Lieutenant-Governor, North-Western Provinces.

No. 464 *of* 1857.—The Right Hon'ble the Governor General of India in Council is pleased to make the following promotion :—

Medical Department.

Assistant Surgeon Thomas Hastings to be Surgeon, from the 21st March 1857, *vice* Surgeon Robert Marshall, M. D., deceased.

No. 465 *of* 1857.—Cornet Arthur George Webster is, at his own request, transferred from the 8th to the 3rd Regiment Light Cavalry, and promoted to Lieutenant, with rank from the 10th March 1857, to fill a vacancy in the latter Regiment, *vice* Lieutenant George Archibald Galloway, promoted.

No. 466 *of* 1857.—Under the authority of the Hon'ble the Court of Directors, the Right Hon'ble the Governor General in Council is pleased to extend to Officers generally, at the three Presidencies, the privilege granted to Officers at Mooltan and Peshawur, of being allowed, when the demands of the Service will permit, temporary leave, without pecuniary loss or loss of service, for sixty days consecutively, in the course of each year, or of thirty days consecutively in each half year, as may be preferred by them.

No. 467 *of* 1857.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what Rank promoted.	From what date.	In whose room.
6th Regt. N. I.,	Jemadar Baichoo Khan,	Subadar,	30th May 1856.	Hurry Persaud Tewarry, deceased.
	Havildar Sowdeen Doobay,	Jemadar,	Ditto,	Baichoo Khan, promoted.
	Havildar Eusoff Khan,	Ditto,	19th January 1857,	Hatah Sing, deceased.
8th Regt. N. I.,	Jemadar Bhowaneedeen,	Subadar,	31st December 1856	Prawn Sing, deceased.
	Havildar Runjeet Sing,	Jemadar,	Ditto,	Bhowaneedeen, promoted.
10th Regt. N. I.,	Jemadar Emambux Khan,	Subadar,	17th December 1856,	Ramdutt Misser, deceased.
	Havildar Meirdhoo Khan,	Jemadar,	Ditto,	Emambux Khan, promoted.
13th Regt. N. I.,	Subadar Ummur Sing,	Subadar Major,	27th March 1857.	Sujun Sing, deceased.
26th Regt. L. I.	Jemadar Sewdeen Sing (2),	Subadar,	29th December 1856.	Oussaric Misser, deceased.
	Havildar Joobraje Sing,	Jemadar,	Ditto,	Sewdeen Sing, promoted.
30th Regt. N. I.,	Havildar Sheikh Emambux,	Ditto,	24th January 1857,	Runjeet Singh, deceased.
36th Regt. N. I.,	Havildar Pharoo Sookul,	Ditto,	13th July 1856,	Sirdar Khan, dismissed.
50th Regt N. I.,	Subadar Jhow Pandy,	Subadar Major,	30th January 1857,	Makhun Misser, deceased.
53rd Regt. N. I.,	Havildar Sheikh Salamuthally,	Jemadar,	11th Janubry 1857.	Sunker Chowbey, deceased.
62nd Regt. N. I.,	Havildar Nirput Sing,	Ditto,	28th November 1856,	Issurree Misser, deceased.
	Havildar Ramdeen Tewary,	Ditto,	19th December 1856,	Gyadeen Sing, deceased.
	Havildar Bucteur Ditchit,	Ditto,	4th January 1857,	Dharam Misser, deceased.
	Havildar Kaleh Khan,	Ditto,	9th January 1857,	Ramdeen Tewary, deceased.
64th Regt. N. I.,	Havildar Koondun Misser,	Ditto,	16th December 1856,	Loll Sing, deceased.
Regt. of Loodiana,	Havildar Futteh Sing,	Ditto,	17th October 1856,	Bussawah Sing, deceased.
3rd Regt. Oude Irr. Force,	Jemadar Ram Singh,	Subadar,	8th August 1856,	Ujoodhya Tiwaree, invalided.
	Havildar Davee Gwala,	Jemadar,	Ditto,	Ram Singh, promoted.
9th Regt. Oude Irr. Force,	Jemadar Rugunndun Missir,	Subadar,	15th January 1857,	Gujadhur Panday, resigned.
	Havildar Dwarka Pottuck,	Jemadar,	Ditto,	Rugunndun Missir, promoted.

No. 468 *of* 1857.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on Sick certificate :—

Lieutenant Henry Durham Magnise, of the 15th Regiment Native Infantry ... } For three years, under the old Regulations.

No. 469 *of* 1857.—The services of Captain E. W. E. Howard, of the 4th Regiment Light Cavalry, Officiating Cantonment Joint Magistrate, Umballa, are placed at the disposal of the Foreign Department.

R. J. H. BIRCH, *Colonel,*
Secy. to the Govt. of India
in the Mily. Dept.

Opium Notification.

NOTICE is hereby given, that the Fourth Sale of Opium, the Provision of 1855-56, will be held at the Exchange Hall on Monday, the 13th April 1857, at 11 A. M., and will comprise 3,655 Chests, *viz.* :

	Chests.
Behar Opium	2,540
Benares ditto	1,115
Total Chests...	3,655

2. The general Conditions of the Sale now advertized will be the same as usual. They may be ascertained by reference to the Notification issued on the 27th November 1856 and published in the *Calcutta* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for Deposit and Clearance will be the 18th and 28th April 1857 respectively, that is to say, no Sub-Treasurer's Receipts, Company's Paper, or other Public Securities, that may be tendered for deposit in redemption of Promissory Notes given by Purchasers at the Sale, will be received after 4 P. M. of Saturday, the 18th April 1857, and no Treasury Receipts, in full payment of Lots, will be accepted after 4 P. M. of Tuesday, the 28th April 1857.

4. In addition to the quantity above advertized for Sale, the following quantities, more or less, of Behar and Benares Opium, of 1855-56, will be brought to Sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates, should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests	Total about Chests.
On or about Monday, 11th May 1857	2540	1115	3655
On or about Wednesday, 10th June ,,	2540	1115	3655
On or about Friday, 10th July ,,	2540	1115	3655
On or about Monday, 10th August ,,	2540	1115	3655
On or about Friday, 4th September ,,	2540	1115	3655
On or about Monday, 5th October ,,	2540	1115	3655
On or about Thursday, 12th Nov. ,,	2540	1115	3655
On or about Friday, 4th December ,,	2559	1141	3700
	20339	8946	29285

By order of the Board of Revenue,

EDW. LUSHINGTON,
Junior Secretary.

FORT WILLIAM,
The 26th March 1857.

Notification.

THE Civil Auditor, North Western Provinces, has the honor to repeat his annual call to all Disbursing Officers in charge of Civil Establishments in the North Western Provinces, for the submission (as soon after the 1st May next as practicable with the April abstract) of their regular Annual Detailed Statement, containing the names and full particulars of the whole of the Office Establishment, and to observe that, with reference to the orders of Government dated 15th October 1842, published in the *Agra Government Gazette* of the 15th November 1842, the audit of their abstracts for April next will be withheld until the receipt of the required Return.

2nd. To facilitate check it is particularly requested that the abstract for April be subdivided into distinct headings, so that each description of office, with its total, shall correspond with the details given in the Statement of Establishment for the 1st May.

3rd. It is also requested that the three separate Lists prescribed for all Uncovenanted Servants, Europeans, East Indians, and Natives (in the last the names of only those holding appointments of trust and responsibility should be inserted) employed on their establishments, be furnished for 1st May 1857, without delay.

E. BOLDERO,
Offg. Civil Auditor.

CIVIL AUDITOR'S OFFICE;
North Western Provinces,
Agra, the 16th March 1857.

Notice.

THE General Treasury will be closed on Friday, the 3rd Proximo, on account of the Hindoo Holiday, Shree Ramnobomee.

J. I. HARVEY,
Sub-Treasurer.

GENERAL TREASURY,
The 23rd March 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, One Second (1*s.*) before Mean Noon.

FORT WILLIAM,
The 25th March 1857.

NOTICE.—Mean Time was this day shown to the Shipping in the River, from the Semaphore Tower in the Fort, Three Quarters of a Second (¾*s.*) after Mean Noon.

ORFEUR CAVENAGH, *Lieut.-Col.*,
Town Major.

FORT WILLIAM,
The 26th March 1857.

ABSTRACT of the Operations of the Government Saving's Bank from 1st May 1855 to 30th April 1856.

Balance due to 10,243 Depositors in 1854-55	... ...	10,92,830	4 7
Deposits in 1855-56	9,93,568 15 2		
Interest allowed to Depositors in 1855-56	36,715 8 3		
		10,30,284	7 5
		21,23,114	12 0
DEDUCT.			
Withdrawals in 1855-56	7,72,949 7 6		
Investment in Government Loans	1,69,680 10 5		
		9,42,630	1 11
Balance, Company's Rupees		11,80,484	10 1
LIABILITIES.			
Balance due to 10,926 Depositors in 1855-56	11,80,484 10 1		
Ditto at Credit of Bank Book Fund	5,649 0 0		
Ditto „ Suspense Deposit Account	821 10 10½		
		11,86,955	4 11½
ASSETS.			
Balance due by General Books	11,50,239 12 8½		
Interest allowed to Depositors in 1855-56	36,715 8 3		
		11,86,955	4 11½

HURCHUNDER DUTT,
Actuary, Government Saving's Bank.

J. I. HARVEY,
Secretary, Government Saving's Bank.

FORT WILLIAM;
Government Saving's Bank,
The 17th March 1857.

Notification.

No. 48.

ANANDRAM DHEKIAL PHOOKUN, Sub-Assistant Commissioner of Nowgong, Assam, received charge of the Treasury of that District on the 13th Instant.

G. G. MACKINTOSH,

Accountant to the Government of Bengal.

FORT WILLIAM;
Office of Accountant Government of Bengal,
The 27th March 1857.

Wanted.

By the Howrah Ferry Fund Committee,—an Overseer. He must thoroughly understand the various descriptions of work under the control of the Ferry Fund Committee, including Surveying and the preparation of Plans and Estimates.

Salary—(100) one hundred Rupees, and (20) twenty Rupees travelling allowance,—in all (120) one hundred and twenty Rupees monthly.

This salary will be increased at the commencement of the next year, on certain conditions, which, with all other particulars, may be learnt from the undersigned on any day of the current month.

No applications received after the 31st March.

J. J. GREY,
Offg. Magistrate and Secy. to H. F. F. C.

HOWRAH,
The 10th March 1857.

For Dacca and Assam.

THE Cargo Boat *Kaleegungah*, in tow of the Hoorungotta will leave on the 31st instant.

For Freight or Passage, apply at the Government Boat Office.

By Order of the Officiating Superintendent of Marine,

J. WOODLEY,
Clerk of the Govt. Boat Office.

The 20th March 1857.

Sheriff's Office, the 4th March 1857.

NOTICE is hereby given, that a Sessions of *Oyer* and *Terminer* and Gaol Delivery, and also an Admiralty Sessions, will be holden by the Supreme Court of Judicature, at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, at the Court House, in the Town of Calcutta, on Monday, the Thirtieth day of March Instant, at 12 o'clock at noon.

The Court will open on the first day of the Sessions at 12 o'clock at noon, and upon each succeeding day precisely at 11 o'clock in the forenoon, of which all persons are required to take notice.

H. E. BRADDON,
Sheriff.

সরিফ আফিস ৪ মার্চ ১৮৫৭ সাল।

সমাচার দেওয়া যাইতেছে যে আগামী ২০ মার্চ ১৮৫৭ সাল সোমবার দুই প্রহরের সময় কলিকাতার ফোর্ট উইলেমের এবং তাহার অন্তঃপাতি যে সকল স্থান তন্নিমিত্তে বঙ্গদেশের ফোর্ট উইলএমের সুপ্রেম কোর্ট আপন আদালত ঘরে ওয়েরটরমিনর এবং এডমাইরেল্‌টী অর্থাৎ মহা সমুদ্র সম্পর্কীয় মোকদ্দমা নিষ্পত্তিজন্য এক সেশীয়ান অর্থাৎ মিছিল করিবেন।

এই সেশীয়ান জতকাল পর্য্যন্ত বসিবেক তাহার প্রথম দিবস দুই প্রহরের সময় তাহার পর প্রতি দিবস এগারো ঘণ্টার সময় বসিবেক এই বিষয় সকলে স্মরণ রাখুন।

H. E. BRADDON,
Sheriff.

In the Supreme Court of Judicature at Fort William in Bengal.

NOTICE is hereby given, (in pursuance of an Order of the said Supreme Court, dated the Twenty fifth day of February, now last past,) that on Saturday, the Eighteenth day of April now next ensuing, at eleven o'Clock in the forenoon, a Court will be holden, before Her Majesty's Justices of the said Court, at the Court House, in the Town of Calcutta, in Execution of a Writ of *Mandamus* issued out of Her Majesty's Queen's Bench, for the examination and cross examinations *vivâ voce*, of Henry William Abbott, and other persons, Witnesses on the part of the Plaintiff, and for receiving other proofs therein, in a certain action now pending in the said Court of Queen's Bench, between Thomas Seddon Kelsall, Plaintiff, and Thomas Marshall, Defendant. Dated this 14th day of March, One thousand Eight hundred and fifty-seven.

H. HOLROYD,
Prothonotary.

DENMAN, HATCH AND DAVIS,
Attorneys for the Plaintiff.

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of George Shallow, in Insolvent. } On Saturday, the 7th day of March Instant, it was ordered that Saturday, the 2nd day of May next, should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liability for debts, claims, and demands, of and against the said Insolvent at the time of the filing of his petition for relief.

Robertson, *Attorney*.

In the matter of Charles Gregory Deiderick Betts, an Insolvent. } On Saturday, the 7th day of March instant, it was ordered that the first Saturday in the month of March 1858 should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent should be discharged personally, as well as to his after-acquired property, from all liability for debts, claims and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Allan, Judge and Lingham, *Attorneys*.

In the matter of Thomas Dickson, an Insolvent, } On Saturday, the 7th day of March instant, it was ordered that the first Saturday in the month of March 1858 should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvent be discharged personally as well as to his after-acquired property from all liability for debts, claims and demands of and against the said Insolvent at the time of the filing of his petition for relief.

Denman, Hatch and Davis, *Attorneys*.

Chief Clerk's Office, 19*th March* 1857.

In the matter of Shaik Paunch Cowrie, formerly of Tirretta Bazar, in Calcutta, and afterwards of Dhurrumtollah, in Calcutta, Butcher, and now residing at Emaumbaug Lane, in Calcutta, an Insolvent. } On Friday, the 20th day of March Instant, it was ordered that the matters of the petition of the said Insolvent, should be heard on Saturday, the 6th day of June next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

In the matter of William Bontein, late of Lahore, in Punjab Territories, at present residing at Nuncoo Jemadar's Lane, in Calcutta, formerly carrying on business as Carrier in co-partnership with William Calderwood Brown, of Delhi, in the North-Western Provinces of India, and jointly with Henry Tupsell and William Munton, under the name and style of the General Transit Company and the Carriage and Waggon Train Company, and late an Assistant in the Chief Engineer's Office, Lahore, an Insolvent. } On Saturday, the 21st day of March Instant, it was ordered that the matters of the petition of the said Insolvent, should be heard on Saturday, the 2nd day of May next, and that the said Insolvent should then attend to be examined by the said Court.

Insolvent in person.

Chief Clerk's Office, 23*rd March* 1857.

In the matter of Claude Barlow, of Sibtollah Lane, in Calcutta, an Assistant in the Military Auditor General's Office, an Insolvent. } Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Friday, the 3rd day of April next, at the hour of 10 o'clock in the forenoon.

☞ "*Any Creditor of the said Insolvent, desirous of opposing such application, must appear before the said Court at the time and place aforesaid.*"

Insolvent in person.

In the matter of George Shallow, an Insolvent. } On Saturday, the 7th day of March instant, by an order of this Court, the said Insolvent was adjudged entitled to his personal discharge, under the Act XI. Vic. cap. XXI., as to all persons named in his Schedule as Creditors, or claiming to be Creditors, respectively.

Robertson, *Attorney*.

In the matter of Kaisreechund and Issreechund, both of Burra Bazar, in Calcutta, lately carrying on business together as Merchants and Agents, in co-partnership with one Buchchoololl, since deceased, at Calcutta, aforesaid, under the name, style and firm of Boodychund, Issreechund, and at Mirzapore, under the name, style and firm of Futtychund, Woodychund, Insolvents. } Notice, that the petition of the said Insolvents, seeking the benefit of the Act. XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 26th day of March instant, and by an order of the same date, the Estates and Effects of the said Insolvents were vested in the Official Assignee.

Shircore, *Attorney*.

In the matter of Mungneeram Jallun, carrying on business at Burra Bazar, in Calcutta, as Merchant and Agent, under the name, style and firm of Begraj and Mungneeram, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 26th day of March instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Shircore, *Attorney.*

In the matter of Ephraim Ellias Cohen, of Chitpore Road, in Calcutta, Merchant, an Insolvent.

Notice, that the petition of the said Insolvent, seeking the benefit of the Act XI. Vic. cap. XXI., was filed in the Office of the Chief Clerk on the 25th day of March instant, and by an order of the same date, the Estate and Effects of the said Insolvent were vested in the Official Assignee.

Templeton and Carrapiet, *Attorneys.*

Chief Clerk's Office, 27th March 1857.

Statement of the Affairs of the Bank of Bengal for the Week ending 25th March 1857.

LIABILITIES.				ASSETS.			
Proprietors' Capital	1,07,00,000	0	0	Government Securities	17,23,874	13	10
Reserve Fund	4,02,166	15	7	Dues from Government	43,871	3	4
Current Accounts	59,37,528	10	7	Mint Certificates, Undue	28,43,169	15	10
Cash Credits Undrawn	16,36,415	15	7	Cash	81,14,842	4	10
Other Claims	1,77,464	10	2	Loans on Deposit of Securities ...	1,52,02,062	12	11
Bank Notes and Post Bills	1,77,21,418	15	3	Accounts of Credit on ditto	33,05,103	7	8
				Government Bills Discounted	42,97,206	7	1
				Mercantile Bills ditto	8,65,175	1	1
				Dead Stock	1,79,687	0	7
Co.'s Rs.....	3,65,74,995	3	2	Co.'s Rs....	3,65,74,995	3	2

Published by order of the Directors,

J. B. PLUMB,
Secretary and Treasurer.

C. N. COOKE,
Accountant.

The London and Eastern Banking Corporation.

INCORPORATED BY ROYAL CHARTER.

Exchange on London.

		s.	d.	
At 6 months' sight	...	2	1¼	per Re.
At 3 „ „	...	2	1	„
At 2 „ „	...	2	0⅞	„
At 1 „ „	...	2	0¾	„
At sight	...	2	0⅝	„
On Scotland, or Ireland, at sight		2	0½	„

The Corporation receive for safe custody Government or other Securities, realize and remit Dividends, Interests, and Proceeds of Sale, and grant Drafts on Bombay, Simla, Agra, Delhi, and Lucknow.

Interest Deposit Rules.

Interest is allowed on sums deposited with the Corporation as follows; *viz.* :—

For 12 months certain, and subject to two months' notice of withdrawal (open to Shareholders only)...	7 *per Cent. per Anm.*
For 6 months certain, and 45 days' notice of withdrawal ...	6 *per Cent. per Anm.*
For 3 months certain, and 30 days' notice of withdrawal ...	5 *per Cent. per Anm.*
On Home Remittance Deposits payable on demand by Bills on London ...	5 *per Cent. per Anm.*
On Floating Deposits withdrawable on demand ...	2 *per Cent. per Anm.*

Interest is credited to Deposit Accounts half-yearly.

No Interest is allowed on Deposits under 500 Rupees.

No Cheques cashed nor money received under 50 Rupees.

Commission.

On Purchase or Sale of Government or other Securities ...	*One-Quarter per Cent.*
On Collection of Foreign Bills, &c. ...	*One-Half per Cent.*
On realizing Interest or Dividends ...	*One-Quarter per Cent.*

If the Funds realized on account of Constituents are remitted in Bills of the Corporation, no Commission will be charged.

Hours of business from 10 *to* 3 *o'clock, except on Saturdays, when the Bank closes at* 1 *p. m.*

J. MACKELLAR,
Manager.

LONDON & EASTERN BANKING CORPORATION,
1*st January* 1857.

Oriental Bank Corporation.

INCORPORATED BY ROYAL CHARTER.

WITH reference to Government Notification No. 5, Fort William, Financial Department, 26th January 1855, notifying the intention of Government to dissolve its connexion with the Government Agency—

The Oriental Bank Corporation undertake the safe custody of Government Paper, Shares in the Capital Stock of the Bank of Bengal, and other local Stocks, free of all charge.

Will draw Interest and Dividends on the same as they fall due, and remit at the current rates of exchange, or pay the same according to instructions.

If to be remitted through the Corporation, ...	Without charge.
If to be paid in India, a Commission will be charged of ..	1-4th per Cent.
On returning Government Paper or Share Certificates out of safe custody, ...	1-4th per Cent
On the purchase of Government or other Securities, ...	1-4th per Cent
On the sale of Government Paper or other Stock, the proceeds of which are to be remitted through the Corporation, ...	Without charges

WM. ANDERSON,

Agent.

ORIENTAL BANK CORPORATION ;
Calcutta, 29th January 1855.

LOST.—Half of a Bank of Bengal Note, No. 26701, for Co.'s Rs. 100, the payment of which has been stopped at the Bank.

LOST.—A Government Promissory Note, or Company's Paper, No. 33863, of 30th June 1841-42, of the five per Cent. Loan, for Company's Rupees Seven Hundred, standing in the name of Heerjee Joota, and bearing his endorsement. Payment of the above Note, and of the interest thereon, has been stopped at the Loan Office, and an application made to Government for the issue of a duplicate Note, in favor of Hurgobind Roy Soorjeemull, the purchasers thereof from the said Heerjee Joota.

TEMPLETON AND CARAPIET,

Attorneys for Hurgobind Roy Soorjeemull.

3, *Old Post Office Street, Calcutta, The 14th March* 1857.

বিজ্ঞাপন।

এক কেতা গবর্ণমেণ্ট প্রামিসরি নোট অথবা কোম্পানির কাগজ নং ৩৩৮৬৩ তারিখ ৩০ জুন সন ১৮৪১। ৪২ কোম্পানির সিক্কা ৫ পাঁচ টাকা শত করা সুদের দরুন মঃ কোম্পানির সিক্কা ৭০০ সাত শত টাকার মূল্যের এবং হিরজি জুতার নামে ও তাহার ইণ্ডার্শ অর্থাৎ স্বাক্ষর করা খোয়া গিয়াছে ঐ কাগজের টাকা এবং সুদ লোন আফিসে বন্দকরা গিয়াছে এবং গবর্ণমেণ্টের সমিপে তাহার ডুপ্লিকেট নোট শ্রীহরগোবিন্দ রায় সুরজি মল খরিদারের নামে পাইবার প্রার্থনা করা গিয়াছে ইতি ১৮৫৭ সাল তারিখ ১৪ মার্চ।

টেম্‌পিল্‌টন ও কেরাপিএট।

উকীল তরফ শ্রীহরগোবিন্দ রায়।

সুরজি মল।

মোং কলিকাতা।

নং ৩ পুরাতন ডাকঘরের রাস্তা।

Post Office Notifications.

No. 2131.

Overland Mail.

The Overland Mail, *viâ* Marseilles and Southampton, and the intermediate Ports, Madras, Ceylon, Aden, Penang, Singapore and Hong-kong, per P. and O. Co.'s Steamer *Bentinck*, will be closed at this Office, on Wednesday, the 8th Proximo.

1*st*.—Pre-payment on Letters for the United Kingdom, or to any British Colony or Foreign Territories, directed *viâ* Great Britain and Marseilles, as well as that for the United Kingdom *viâ* Southampton, is optional.

2*nd*.—Steam Postage on Letters addressed to France or *viâ* Southampton to France, or to any place in Foreign Europe *viâ* Southampton, or through Great Britain to any Colony *viâ* Southampton, cannot be pre-paid in India.

3*rd*.—Steam Postage on all Letters for Foreign Europe *viâ* Marseilles (except France) or *viâ* Trieste and for the United Kingdom *viâ* Trieste, as well as for places in the Mediterranean and in Egypt, must be pre-paid.

4*th*.—Letters for the United Kingdom directed *viâ* Trieste, if posted unpaid, (or insufficiently paid by Stamps), will be forwarded to London *viâ* Marseilles. Those Letters unpaid, or insufficiently stamped for Foreign Europe, will be sent to London *viâ* Southampton, bearing the full amount of Postage due thereon, and Letters for places in Egypt and the Mediterranean will be treated as Unclaimed Letters.

5*th*.—Letters for Madras, Ceylon, Bombay, Aden, Malacca, Penang, Singapore, and Hong-Kong, are chargeable with Steam Postage, the pre-payment being optional.

6*th*.—Letters for the Mauritius, Australian Colonies, China (except Hong-Kong), Manilla, Batavia, Java, Bourbon, or any place not a British Possession, must be pre-paid.

7*th*.—No money will be received in payment of Postage on Letters, which must be paid by Stamps.

8*th*.—With regard to Newspapers and Prices Current, the following Rules are applicable:

9*th*.—Newspapers or Prices Current posted in India for Great Britain and France are not subject in India to any charge for Steam Postage, but Newspapers, &c., posted in India, addressed to any British Colony or Possession, or any Foreign Port, or any Port in India, are, if sent by Her Majesty's Mail Steamers, or *viâ* Southampton through England, liable to a Steam Postage Charge of One Penny (Nine Pie,) which must be pre-paid in Cash. Newspapers sent through Great Britain *viâ* Marseilles are liable to a Postage Charge of Three Pence, and if addressed to British North America *viâ* the United States, a Charge of One Penny must be levied on account of the United States, in addition to all other Postage.

10*th*.—Newspapers, &c., brought to India by Her Majesty's Packets from a Foreign Port, without having passed through Great Britain, are chargeable with British Postage of One Penny (Nine Pie) on delivery.

11*th*.—Newspapers sent or received through Great Britain, to or from Peru, Chilli, Bolivia, Ecuador, the Sandwich Islands, California, or any Colony addressed *viâ* Panama, are subject to a Steam Transit Charge of One Anna and Six Pie, which must be paid on despatch or delivery, in addition to any Indian Postage.

12*th*.—Only one paper can be sent in one cover.

Fort William;
General Post Office,
The 23rd March 1857.

T. Garrett,
Offg. Deputy Post-master General.

Packets for the reception of Letters by the following Ships are open at this Office:—

Names of Vessels.	Agents.	Intended Departure.	For what Port.	Touching at	Remarks.
Steamer Bentinck...	P. & O. S. N. Company	9th April 1857 ...	Suez ..	Madras, Ceylon, and Aden.	
Alexander ...	Turner, Cadogan & Co.	10th ditto ..	Mauritius		
Steamer Manchester.	Apcar and Co. ..	In a few days ..	Rangoon & Moulmein .	Akyab.	

Calcutta;
General Post Office,
The 27th March 1857.

T. Garrett,
Offg. Deputy Post-master General.

Calcutta:—Printed and Published by John Gray, *at the "* Calcutta Gazette" Office, *No. 54, Council-House Street, for the Government Contractors,* Samuel Smith and Co., *to whom all letters regarding the insertion of General Orders, Advertisements, &c., should be addressed.*

SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, MARCH 28, 1857.

Legislative Council.

The 7th March 1857.

THE following Bill was read a second time in the Legislative Council on the 7th March 1857, and was referred to a Select Committee who are to report thereon after the 21st of June next :—

A Bill for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bombay for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

Preamble.

WHEREAS it is expedient to extend the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bombay to simplify the Procedure thereof, and to invest other Courts with Criminal Jurisdiction in such parts of the Presidency of Bombay as are subject to the general Regulations of the Bombay Code: It is hereby enacted as follows :—

Territorial scope of Act.

1. This Act shall extend only to such parts of the Presidency of Bombay as are subject to the General Regulations of the Bombay Code, except so far as is hereinafter otherwise expressly provided.

CHAPTER I.

SUDDER COURT.

Jurisdictions of the Sudder Court

1. The Sudder Court at Bombay shall possess the appellate and other Criminal jurisdictions now exercised by it, except so far as the same are altered or modified by this Act.

CHAPTER II.

CRIMINAL COURTS OF ORIGINAL JURISDICTION.

Criminal Courts other than the Sudder Court.

1. The Courts for the trial of offences other than the Sudder Court shall be the following :—

COURTS OF SESSION ;
COURTS OF THE MAGISTRATES ;
SUBORDINATE COURTS ; namely—

Subordinate Criminal Courts of the first Class.
Subordinate Criminal Courts of the second Class.

Who are to be Judges of the Subordinate Criminal Courts.

2. First Assistants to the Magistrate, and Principal Sudder Ameens, shall be Judges of Subordinate Criminal Courts of the first Class.

Second Assistants to the Magistrate, and Moonsiffs, shall be Judges of Subordinate Criminal Courts of the second Class.

Criminal Courts, how to be denominated.

3. The Session Courts, the Courts of the Magistrates, and Subordinate Criminal Courts, shall be denominated after the zillah or city, or division in which they are respectively established.

Appointment, suspension, and removal of Criminal Judges.

4. The appointment, suspension, and removal of the Judges of the Session Courts, of the Magistrates, and of the Judges of the several Subordinate Criminal Courts, shall be regulated by such rules and orders as the Governor in Council shall from time to time pass.

5. Each Criminal Court is to be presided over by one or more Judges; and every Judge, previous to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before any authority or person commissioned by competent authority to receive it:

Declaration on entering upon office.

"I, *A. B.*, appointed of the Court of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. Each Criminal Court is to use a seal, such as shall be prescribed by the Local Government.

Seal.

7. It shall rest with the Governor in Council, upon the report of the Sudder Court, made after such communication with the Session Judges and Magistrates and Judges of the Subordinate Criminal Courts as may be deemed requisite, to fix such establishment of ministerial officers as may be necessary for the due execution of all the duties committed to those several Courts, and to prescribe the number of offices, the number of officers, their respective salaries, the tenure by which they are to hold office, and such other particulars as the said Governor in Council may deem proper. Upon the receipt of the instructions of the Governor in Council, the Judges of the Criminal Courts shall make the appointments to the several offices of their respective establishments.

Ministerial officers

8. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts.

No person excepted from jurisdiction by reason of place of birth or of descent.

9. The Session Court shall have jurisdiction in respect of all offences punishable under the Indian Penal Code, or under any special or local law.

Session Court to have jurisdiction over all offences, under the Penal Code or under any special or local law.

10. The Session Court exclusively shall have jurisdiction in respect of—

Exclusive jurisdiction as to certain offences.

1*st*. Offences entered in Schedule A. of the Code of Procedure as triable by those Courts only.

2*nd*. The offences punishable under Chapter XVII Clauses 2 and 32 of the Penal Code, when the value of the property which is the subject of the offence exceeds 500 Rupees.

3*rd*. Offences however punishable under any Clause of the Penal Code, charged against public servants of the first four classes described in Clause 17 Chapter II, whether as such public servants or otherwise.

4*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants as such public servants:

Every head ministerial officer, every record-keeper, and every nazir of a Court of Justice, and every officer of a Court of Justice whose duty it is, or who is especially authorized as such officer, to investigate or report on any matter of law or fact;

Every head jailer;

Every head officer of police.

Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of the Government, or to make any survey, assessment, or contract, on behalf of the Government; or to investigate, or to report on any matter affecting the pecuniary interests of the Government; or to make, authenticate, or keep any document relating to the pecuniary interests of the Government.

5*th*. Offences however punishable under any Clause of the Penal Code, charged against the following public servants, as such public servants:

Every juryman;

Every arbitrator to whom any cause has been referred by a Court of Justice.

11. Magistrates are empowered to try all offences not assigned to the exclusive jurisdiction of the Session Court.

Magistrates, their jurisdiction as to offences.

12. Subordinate Criminal Courts of the first and second classes are empowered to try offences entered in Schedule A. of the Code of Procedure as triable by those Courts respectively.

Subordinate Criminal Courts, their jurisdiction as to offences.

13. In cases tried by the Courts of Session in which the defendant is convicted of any offence which, by the Penal Code, is punishable with death, the Court shall not pass judgment, but shall refer the case to the Sudder Court, which shall pass judgment thereon.

Session Court not to pass sentence in cases punishable with death.

14. It shall be competent to a Session Judge, on cause shown, to direct the transfer of any criminal case from any Criminal Court to any other Criminal Court of equal or superior jurisdiction in his district.

Session Court may direct transfer of a criminal case.

15. Magistrates are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding two years, or to fine exceeding 1,000 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Magistrates, their penal jurisdiction.

16. Judges of the Subordinate Criminal Courts of the first Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, first class, their penal jurisdiction.

17. Judges of the Subordinate Criminal Courts of the second Class are empowered to pass sentence in all cases tried by them, provided that they shall not, for any offence, sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 Rupees; and they may inflict fine together with imprisonment in all cases in which both punishments are authorized by the Penal Code.

Subordinate Criminal Courts, second class, their penal jurisdiction.

18. In every case punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the Criminal Courts shall be guided by the provisions of Clauses 8 and 9 Chapter III of the Penal Code, in awarding the period of imprisonment in default of payment of the fine; provided, however, that in such cases decided by the Magistrate and Subordinate Criminal Courts, the period of imprisonment awarded in default of payment of the fine shall in no case exceed one-fourth of the period of imprisonment which such Magistrate or Subordinate Criminal Court is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

19. It shall be competent to the Government to direct that any Subordinate Criminal Court shall be authorized to hold the preliminary inquiry into cases triable by the Session Courts, and to commit or hold to bail parties to take their trial before such Courts, and to exercise all the powers necessary for such purposes.

Subordinate Criminal Courts may be empowered to prepare cases for trial before the Session Court.

CHAPTER III.

PRELIMINARY RULES.

1. All complainants and witnesses shall be examined without oath or affirmation or any warning as a necessary preliminary to their preferring complaints or giving evidence, and they shall, upon such examination, be bound to speak the truth as they would have been bound by an oath, or a sanction tantamount to an oath.

Complainants and witnesses to be examined without oath, affirmation, or warning.

2. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the rules of Criminal Procedure.

No person excepted from Criminal Procedure by reason of place of birth or of descent.

CHAPTER IV.

OBTAINING A SUMMONS OR WARRANT.

1. Where an offence has been committed, or is suspected to have been committed, the proceeding, in order to compel the party known or suspected to have committed such offence to appear for the purpose of preliminary inquiry concerning the same, may be by summons or arrest.

Proceeding to compel appearance.

2. The proceeding by summons may be in the cases, and shall be subject to the rules hereinafter contained.

Summons.

3. The proceeding by arrest may be either—

Arrest.

(1.)—By warrant;
(2.)—Or by a private person without warrant;
(3.)—Or by an officer without warrant.

4. A summons, or a warrant of arrest, may be obtained on such complaint as is mentioned in the next succeeding Article.

Complaint.

5. Every complaint made before a magistrate or head officer of police, in order to the issuing of a summons or a warrant against a person accused of any offence, either directly or on suspicion, if not written, shall be forthwith reduced into writing, and shall be signed by the complainant, and also by the magistrate or head officer of police issuing the summons or warrant.

To be reduced into writing and signed.

6. Upon such complaint duly made before a magistrate, he shall, in case it appear to him that there is sufficient ground for proceeding, issue his summons or warrant for causing the person accused to appear before himself or some other magistrate or Court having jurisdiction; and if in the judgment of such magistrate there be no sufficient ground, he shall dismiss the complaint, whether it be direct or on suspicion only.

Magistrate, how to proceed on complaint.

7. Upon such complaint duly made before a head officer of police, he shall, in case it appear to him that there is sufficient ground for proceeding, and that the immediate apprehension of the accused is necessary to the ends of justice, issue his summons or warrant for causing the person accused to appear before himself; and if in the judgment of such head officer there be no sufficient ground, or the immediate apprehension of the accused is not necessary to the ends of justice, he shall abstain from issuing any process, and shall submit the complaint for the orders of the magistrate.

Head officer of police, how to proceed on complaint.

8. Every summons issued by a magistrate or head officer of police to a person so accused shall be in writing, under the hand and seal of the magistrate or head officer of police issuing it; shall show his office; that the summons is made on a complaint duly made of an offence committed or suspected to have been committed; shall be directed either to the person accused by such complaint, or some other person; if directed to the person accused it shall, if issued by the magistrate, direct him to appear before the magistrate issuing such summons, or some other magistrate or Court as aforesaid, at a time and place specified; and if issued by a head officer of police, to appear before such head officer at a time and place specified; and if directed to any other person, it shall require such other person to summon the person accused so to appear.

Summons, what it is to contain, and how to be directed.

9. If such summons be directed to the person accused, it may either be served on him personally or left with some adult member of his family.

Summons how to be served.

10. A magistrate or head officer of police may, notwithstanding such summons either before the appearance of the person accused, as required by such summons, or after default made by him so to appear, issue a warrant of arrest against such person in all cases in which he might so have done had no such summons been issued.

Notwithstanding summons, warrant may issue in certain cases.

11. A magistrate of one district or head officer of one division may grant a warrant for the apprehension of a suspected offender within that district or division, as the

Warrant when grantable for an offence committed beyond local jurisdiction.

case may be, in respect of an offence of which the law takes cognizance, committed in a different district or division, or on the high seas, or in a foreign country.

Where an offence may be investigated and tried in one of two or more jurisdictions.

12. When a person or several persons shall be accused of the commission of any offence, by reason of any things which have been done, or by reason of any thing or things which have been done, and consequence or consequences which have occurred, every such offence may be inquired of and determined, and every such offender prosecuted and punished, in any district or jurisdiction in which any such thing shall have been done, or any such consequence shall have occurred.

Abetment.

13. The abetment of an offence, wherever such abetment may have taken place, may be inquired of and determined in any place or district in which that offence may be inquired of and determined, and by any Court which has jurisdiction to try that offence, as though the abetment had been committed at the same place at which that offence was wholly or partly committed.

Abetment.

14. Provided that such abetment may be inquired of and determined in any district within which the abettor has done anything for abetting the commission of that offence.

Offence committed on boundary.

15. Where any offence shall be committed on the boundary or boundaries of two or more districts or divisions, or within the distance of 500 yards of any such boundary or boundaries, or shall be begun in one district or division and completed in another, every such offence may be inquired of and determined in any of the said districts or divisions in the same manner as if it had been actually and wholly committed therein.

During journey, &c.

16. Where any offence shall be committed on any person, or on or in respect of any property, in or upon any coach, cart, or other carriage or conveyance, or upon any beast of burden employed in any journey, or shall be committed on any person, or on or in respect of any property on board any vessel employed on any voyage or journey upon any navigable river, canal, or inland navigation, such offence may be inquired of and determined in any district or division through any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had been actually committed in such district or division ; and in all cases where the side, middle, or other part of any highway, or the side, bank, middle, or other part of any such river, canal, or navigation, shall constitute the boundary of any two districts or divisions, such offence may be inquired of and determined in either of the said districts or divisions through or adjoining to or by the boundary of any part whereof such coach, cart, carriage, conveyance, beast of burden, or vessel shall have passed in the course of the journey or voyage during which such offence shall have been committed, in the same manner as if it had actually been committed in such district or division.

Receiving, &c. stolen property.

17. Whosoever shall fraudulently receive, or fraudulently have in possession any stolen property, knowing the same to be stolen property, may be prosecuted and punished in any district or place in which he shall have or shall have had such stolen property in his possession, or in any district or place in which any person by whose offence that property came to be stolen property may be prosecuted and punished.

Unlawfully receiving property.

18. Whosoever shall commit any offence by unlawfully receiving or having in possession any moveable property, knowing the same to have been unlawfully taken, obtained, or converted, may be prosecuted and punished in any district or place in which he shall have or shall have had such property in his possession, or in any district or place in which any person who unlawfully took, or obtained, or converted such property, may be prosecuted and punished for any offence committed thereby.

Escape from lawful custody under sentence.

19. Any offender who shall escape from any custody in which he is lawfully detained in pursuance of a sentence of a Court of Justice, or by virtue of a commutation of such sentence, may be prosecuted and punished either in the district where he shall be apprehended and re-taken, or in the district in which the said offence shall have been committed.

Returning from transportation or banishment.

20. Any offender who shall return from transportation or banishment, the term of such transportation or banishment not having expired, and his punishment not having been remitted, may be prosecuted and punished either in the district or place where he shall be apprehended, or in that in which he was formerly tried.

Forgery.

21. Any person who shall commit any offence by forgery, or by using as genuine any document which he knows to be forged or falsified by forgery, may be prosecuted and punished in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place.

Definition of certain terms.

22. In the preceding Articles, and any other Article of this Act, wherever the district or other place or the Court in or before which any offence is to be inquired of and determined, or any offence is to be prosecuted and punished, is mentioned, the term "inquired of" shall be deemed to comprise every proceeding preliminary to trial ; the term "determined," to comprise trial, and every subsequent proceeding, including the punishment of the offender ; and the terms "prosecuted and punished," to comprise every proceeding, whether preliminary or subsequent to trial, or upon such trial ; unless in any such case there be something in the subject or context repugnant thereto.

What is a district, and what a division.

23. The local jurisdiction of the magistrate of a zillah or district shall for the purposes of this Act be deemed a district; and the local jurisdiction of a moonsiff or head officer of police

be deemed a division; provided that nothing herein contained shall be held as authorizing a police officer, except under the special authority of the magistrate, to inquire into any of the offences described in the provisions of the Penal Code specified in Chapter IX Article 1 of this Act

CHAPTER V.

OF THE WARRANT AND ITS EXECUTION.

Warrant to bear the name of grantor.

1. The warrant shall be in the name of the officer who grants it.

Form of warrant.

2. Every such warrant shall be in writing; shall be directed to some person or persons by name or by official description (and in the latter case, either to some particular officer, or to all or some one or more of that class or description); shall specify the person to be arrested by name or by such other description as may be sufficient to distinguish him; shall order that such person be arrested; shall specify the authority before whom such person after arrest shall be taken; shall state, as the cause of arrest, some offence committed or suspected to have been committed in respect of which the magistrate or other officer has jurisdiction to issue such warrant; shall show the person who grants it to be a magistrate or other officer authorized to issue such warrant; shall state the time of making it; show the place where it is granted, either by statement in the body or in the margin of the warrant; and be signed and sealed by the magistrate or other officer who grants it.

Warrant to several persons, jointly and severally.

3. A warrant directed to several persons jointly and severally may be executed by any one of them.

To several persons jointly.

4. A warrant directed to several persons jointly, without words excluding the execution by one or a part only of those mentioned, may be executed by any one or by a part only of them.

To a head officer or nazir.

5. A warrant directed to a head officer of police or to a nazir may be executed by any officer subordinate to such head officer of police or nazir respectively.

Officers issuing a warrant may personally superintend its execution.

6. A magistrate or other officer authorized to issue a warrant or other criminal process may attend personally for the purpose of seeing that the same be duly executed, and may adopt or direct any legal measures that may be necessary for the due execution thereof.

Warrant directed to a person not an officer of police or nazir.

7. A warrant directed to any other person than an officer of police or the nazir of a Court is to be executed by that person; provided, nevertheless, that any other person may, in the presence or out of the actual presence of one authorized to execute a warrant, aid him in executing the same, if the person so authorized be near at hand and acting in the execution of the warrant.

All persons bound to assist in certain cases.

8. Every person is bound to assist a magistrate or police officer demanding his aid in the taking of an offender, preventing a breach of the peace, the suppression of a riot, or the taking of the rioters.

Where a warrant of a magistrate must be executed.

9. A warrant issued by any magistrate must be executed (unless it be specially otherwise provided) within the jurisdiction of the magistrate from whom it issued, or of the magistrate by whom it has been duly endorsed for execution.

Warrant endorsed in another jurisdiction.

10. In case any person against whom a warrant shall be issued by any magistrate shall escape, go into, reside, or be, or be supposed to be, in any place out of the jurisdiction of the magistrate granting such warrant, the magistrate of the place into or in which such person shall escape, go, reside, be, or be supposed to be, shall endorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant within the jurisdiction of the magistrate who endorsed such warrant, and to apprehend and carry such person before the magistrate who endorsed such warrant, or before the magistrate of the district where the offence was committed. In case such person be carried before the magistrate who endorsed the warrant, and the offence with which he is charged is bailable in law, he shall be proceeded with in the manner hereinafter mentioned in Chapter XIII Article 7 or Chapter XV Article 7. If the offence be not bailable, he shall be forwarded to the magistrate of the district in which such offence was committed.

Warrant to be endorsed may be sent by post.

11. Provided that it shall be competent to a magistrate issuing a warrant for the arrest of a person out of his jurisdiction to direct the warrant to the magistrate of the district in which such person is, or is supposed to be, and to transmit the same by post. On the receipt of the warrant by the magistrate to whom it is directed, he shall endorse his name on such warrant, and enforce its execution in the same manner as if the warrant had originally issued from himself. On such person being apprehended, and carried before the magistrate who endorsed the warrant, he shall be dealt with as provided in the last preceding Article.

Magistrate how to proceed on arrest under his own warrant for an offence committed out of his jurisdiction.

12. If a person for whose apprehension a warrant has been granted by a magistrate under the provisions of Chapter IV Article 11 is suspected of an offence committed in a different district, the magistrate granting the warrant shall, unless he is authorized by any law to complete the inquiry himself, send the person arrested to the magistrate of the district in which the offence was committed, or take bail for his appearance before such magistrate if the offence of which he is suspected is bailable in law; and in all other instances the magistrate shall report the case for the orders of the Sudder Court.

Head officer of police how to proceed in such cases.

13. If the warrant under Chapter IV Article 11 shall have been granted by a head officer of police, the head officer of police shall send the person arrested to the magistrate, to whom such head officer of police is subordinate, unless the offence of which the person arrested is suspected shall have been committed in another

division of the district in which the division of the head officer of police who granted the warrant is comprised; in such case the head officer of police, who granted the warrant shall send the person arrested to the head officer of police of the division in which such offence was committed.

Where a warrant of a police officer must be executed.

14. A warrant issued by a police officer must be executed (unless it be otherwise specially provided) within the jurisdiction of the officer who issued it.

When a warrant of arrest may be executed.

15. An arrest on a warrant for any of the offences specified in Schedule A. of this Code of Procedure as not bailable offences may be made on any day, and at any time of the day or night. It shall be at the discretion of the magistrate to direct that an arrest on a warrant in any other case may be made on any day, and at any time of the day or night.

Warrant, how to be executed.

16. In making an arrest, the officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

No unnecessary restraint.

17. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

Notification of purpose to act under the warrant.

18. One executing or attempting to execute a warrant of arrest is bound to notify to the person against whom such warrant is directed, that he purposes to act under the authority of that warrant.

Notification of substance of warrant.

19. An officer or other person executing a warrant of arrest must notify the substance of the warrant, and show the warrant, if sight of it be demanded.

Taking and refusing to give up a warrant.

20. If on a warrant being shown, any person take hold of it, and illegally refuse to give it up to the officer or other person authorized to execute it, such officer or other person may retake it by force, provided he use no greater degree of violence than is necessary for the purpose.

Resisting an endeavor to arrest.

21. If, after notice by one authorized by warrant to arrest another of his intention to arrest him, the person against whom such warrant is issued shall forcibly resist the endeavor to arrest him, the person so authorized is bound to use all such means as may be necessary to effect an arrest and prevent escape.

Breaking of outer door or window.

22. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any outer door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Officer, &c. breaking out to liberate himself.

23. An officer or other person having lawfully entered a dwelling-house for the purpose of executing criminal process, or of arresting any person under any of these Articles, may lawfully break out of such house when it is necessary for his own liberation; and any officer may lawfully break any outer or inner door or window of a dwelling-house in order to liberate any officer or other person who, having entered for such purpose, is unlawfully detained within such dwelling-house.

Breaking of inner door or window.

24. Any person authorized by a warrant to arrest any person accused of any offence for which a warrant may issue on complaint, may (in the presence of two respectable witnesses) break open any inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking open a *zenanah* or female apartment.

25. If information be received that a person accused of any offence for which a warrant may issue on complaint, has concealed himself in a zenanah or female apartment in the actual occupancy of women, the officer or other person employed to execute the warrant shall take such precaution as may be necessary to prevent the escape of the accused, and shall endeavor to ascertain, by the means of two respectable women unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not deliver himself up, the police officer or other person authorized to execute the warrant may, in the presence of two or more respectable residents of the place, break open the zenanah, and execute the process intrusted to him, giving notice at the same time to any women in the zenanah that they are at liberty to withdraw.

Breaking of doors, &c. for offences not previously provided for.

26. It shall be at the discretion of the magistrate to direct, in any particular case, that a warrant of arrest shall be executed as provided in Articles 22, 24, and 25 of this Chapter, for any other offence than the offences for which a warrant may issue on complaint.

Party arrested to be brought immediately to the authority mentioned in the warrant.

27. After arrest made, the officer or other person executing the warrant shall, without unnecessary delay, bring the person arrested to the magistrate or other authority mentioned in the warrant.

Or as soon as practicable.

28. If, after arrest made, circumstances render it impracticable to bring the person arrested immediately before the magistrate, or other authority, the officer or other person executing the warrant shall detain the person arrested in custody in the meantime, and bring him before the magistrate or other authority as soon as his doing so shall become reasonably practicable.

No threat, promise, or caution, as to disclosure by party arrested.

29. No officer or other person, after the arrest of any suspected person, is to offer to him any inducement, by threat or promise or otherwise, to make any disclosure,

but shall, when necessary, apprize him of the cause of arrest, and leave him free to speak or keep silence; and no such officer or other person shall after such arrest prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

CHAPTER VI.

OF ARREST WITHOUT WARRANT.

Arrest on view.

1. A police officer or other person who sees any offence committed for which a warrant may issue on complaint, may, without warrant, arrest the offender.

On complaint, or finding with stolen goods.

2. A police officer may, without warrant, arrest of his own authority a person against whom a reasonable complaint of an offence for which a warrant may issue on complaint is made, or who may be found with stolen goods in his possession.

A proclaimed offender: hue and cry.

3. A police officer, or other person, may, without warrant, arrest a proclaimed offender, or a person against whom a hue and cry has been raised of his having been concerned in a recent offence.

A party liable to arrest concealing himself.

4. If a person liable to arrest without warrant under the foregoing rules shall enter into and conceal himself in a dwelling-house, the person who might otherwise have arrested shall take such precautions as may be necessary to prevent the escape of the accused, and send immediate information to the magistrate or head officer of police; but no house shall be broken into for the purpose of arresting any person without a warrant.

Breach of the peace.

5. A police officer may, of his own authority, interpose for the prevention of a breach of the peace committed or attempted to be committed in his view; and in the event of disobedience or resistance may, without warrant, arrest the offender.

Obstruction of a police officer in his duty.

6. A police officer may apprehend any person who obstructs him while in the execution of his duty, and carry him before the magistrate, or before the head officer of the police division.

When it is not necessary to notify cause of arrest.

7. It is not necessary to notify the cause of arrest where the person is in the actual commission of any offence, or where fresh pursuit is made after any such person, who, being disturbed, makes his escape.

Party arrested to be taken immediately before the proper authority.

8. A police officer or other person, having arrested a person for an offence, is to take or send him before the magistrate or the head officer of the police division, without unnecessary delay.

Arrest for an offence committed in the presence of a magistrate.

9. Where any offence is committed in the presence of any magistrate, he may by word of mouth command any other person to arrest the offender, and may thereupon commit him, or, at his discretion, where the offence is bailable, may admit him to bail.

CHAPTER VII.

OF ESCAPE AND RE-TAKING.

Person arresting may re-take on escape, and deal with the party arrested as on original taking.

1. If a person lawfully arrested on a criminal information shall escape or be rescued, it shall be lawful for the person from whose custody such prisoner so escaped or was rescued to make fresh pursuit, and re-take him in any place, either within or without the jurisdiction where he was so in custody, and on any day, and at any time of the day or night, and to deal with him as he might have done on an original taking.

May adopt the same measures as on original taking.

2. In order to re-take any person, within the meaning of the last preceding Article, the person so making fresh pursuit as therein is mentioned may adopt the same measures as he might have done on the original taking.

CHAPTER VIII.

OF SEARCH WARRANT.

When grantable by a magistrate.

1. Whenever a magistrate, having jurisdiction in respect of a supposed offence, shall consider that the production of any thing or things will be essential to the conduct of an inquiry into such offence, he may grant his warrant to search for such thing or things, and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in any dwelling or dwellings, place or places. In such case the magistrate shall, if he think right, specify in his warrant the dwelling or dwellings, place or places, or part or parts thereof, to which only the search shall extend.

How to be directed.

2. The magistrate shall direct his warrant to the head officer of police within whose jurisdiction the dwelling or dwellings, place or places, required to be searched are situated, or to any other public and registered officer of police to whom the magistrate may think fit to commit the execution of that duty. A warrant directed to a head officer of police may, in the event of the head officer not being able to proceed in person, be executed by any officer subordinate to such head officer above the rank of burkundaz.

When a magistrate may require a magistrate of another district to issue a search warrant.

3. A magistrate may require the magistrate of another district to issue a search warrant in any case in which he may issue such warrant himself.

When a magistrate may grant a search warrant out of his jurisdiction.

4. In cases of emergency, a magistrate may grant his warrant for the search of any thing or things concealed, or supposed to be concealed, in a dwelling or dwellings place or places, out of his jurisdiction, the production of such thing or things being essential to the conduct of an inquiry into an offence committed within his jurisdiction. When a magistrate grants a warrant under this Article, he shall inform the magistrate of the district in which the dwelling or dwellings, place or places, to be searched, are situated.

5. Whenever a head officer of police shall consider that the production of any thing or things will be essential to the conduct of an inquiry into any offence which he is authorized to inquire into, he may grant his warrant to search for such thing or things in any dwelling or dwellings, place or places, within his division, which shall be specified in his warrant; and it shall be lawful for the officer legally charged with the execution of such warrant to search for such thing or things in such dwelling or dwellings, place or places.

Search warrant when grantable by a head officer of police.

6. The head officer of police shall, if practicable, conduct the search in person; but if unable to proceed in person, shall direct his warrant to any police officer of his division above the rank of burkundaz.

How to be executed.

7. A head officer of police may require the head officer of police of another divsion, whether subject to the same magistrate as himself or to the magistrate of any other district, to issue a search warrant in any case in which he may issue such warrant himself.

When a head officer of police may require a head officer of police of another division to issue a search warrant.

8. The head of officer police, when not specially instructed by the magistrate, shall transmit all representations made to him regarding the receipt or concealment of any thing or things, the production of which is essential to the conduct of an inquiry into an offence, at or before the time when he proceeds to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject.

Representations regarding anything for which search is to be made to be sent to magistrate.

9. The search shall be made in the day-time, except in cases of great emergency, and where the information is positive, and not on suspicion only, when it may be made either in the day-time, or in the night-time.

When the search is to be made.

10. If the door be shut, the person charged with the execution of the warrant may proceed to break open the door, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of door.

11. If the place ordered to be searched is a zenanah or female apartment in the actual occupancy of women, the officer charged with the execution of the warrant shall give notice to any women in the zenanah that they are at liberty to withdraw; and, after giving such notice, and allowing a reasonable time for the women to withdraw, such officer may enter the zenanah for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of property.

Breaking of a zenanah or female apartment.

12. The search is to be made in the presence of three or more respectable inhabitants of the place in which the dwelling or dwellings, place or places searched, may be situated, and such persons shall subscribe their names to the report made to the magistrate; and the occupant of the house, or owner of the house, or some person in his behalf, shall in every instance be permitted to attend during the search.

Search to be made in the presence of witnesses.

Occupant of the place searched may attend.

13. All property which is claimed as having been stolen, as well as all property suspected to have been stolen, found on persons accused of robbery or theft, or which is seized by police officers under suspicious circumstances, as also anything the production of which is essential to the conduct of an inquiry into an offence, shall be forwarded without delay, together with a despatch, to the magistrate. A copy of the despatch being registered, the original is to be given to the officer charged with the conveyance of the property, to be delivered to the nazir, or other proper officer, on his arrival at the station of the magistrate.

Property, &c., to be sent to the magistrate.

CHAPTER IX.

PRELIMINARY INQUIRY BY THE POLICE.

1. A head officer of police shall not inquire into any of the following offences punishable under the Penal Code, unless specially authorized by the magistrate to do so, namely—

Offences into which the police officers may not inquire without special authority.

Offences under Chapter IX; provided that it shall be competent to a head officer of police to apprehend and send to the magistrate any person who may be found in his division in the commission of the offence punishable under Clause 12 of the Chapter.

Offences under Chapter X, except the offences punishable under Clauses 13, 15, 18, and 24 of the Chapter, and under Clauses 32 and 34 of Chapter XI; provided that it shall be competent to a head officer of police to inquire into any offence under Chapter X, committed in contempt of his own authority.

Offences under Chapter XI, except the offences punishable under Clauses 32, 36, and 37.

Offences under Chapter XIII.

Offences under Chapter XIV, except the offences punishable under Clauses 2, 3, 12, 14, 17, 18, and 21.

Offences under Chapter XV.

Offences under Chapter XVI, Clauses 15, 16, 17, 18, 19, 20, 21, 26, 37, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 59, 60, 62, and 63.

Offences under Chapter XVII, Clauses 6, 7, 10, 11, 25, 26, 28, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 69.

Offences under Chapter XVIII.

Offences under Chapter XIX.

Offences under Chapter XX.

Offences under Chapter XXI.

Offences under Chapter XXII.

Offences under Chapter XXIII.

2. Upon complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence, other than the offences described in the provisions of the Penal Code specified in the last preceding Article, and which offence is punishable under the Penal Code with imprisonment for a period exceeding six months,

When the head officer of police may issue his warrant.

it shall be lawful for such head officer to issue his warrant to apprehend such person, and to cause him to be brought before such head officer.

May issue summons instead of warrant.

3. Provided that in all cases it shall be lawful for such head officer before whom such a complaint is made, instead of issuing his warrant in the first instance to apprehend the person so complained against, to issue his summons, recording his reason for so issuing his summons, directed to such person, requiring him to appear before such head officer.

When head officer of police shall issue summons.

4. Upon a complaint duly made before a head officer of police having jurisdiction in the case, against any person for committing any offence into which he is authorized to inquire, and which is punishable with imprisonment for a period not exceeding six months, such head officer shall issue his summons to such person, requiring him to appear before such head officer.

When the head officer of police may stay issue of process.

5. In the event of its appearing to the head officer of police, that for any special reason the issue of process for causing the attendance of the accused shall be stayed until the case be reported for the orders of the magistrate, such report shall be made without delay, and the issue of process against the accused in the meantime suspended. On the receipt of the head officer's report, it shall be at the discretion of the magistrate, if he is of opinion that there are grounds for proceeding with the case, to direct the head officer to proceed with it, or to proceed with it as if the complaint had been made before himself.

Witnesses to be summoned.

6. Upon the issue of process for causing the attendance of the accused, the head officer of police shall at the same time issue summonses for the attendance of any persons who appear from the statement of the person making the complaint to be acquainted with the facts and circumstances of the case.

Head officer of police may proceed in person, or depute an officer to investigate.

7. Nothing contained in the foregoing Articles shall be construed to prevent a head officer of police from proceeding in person, or deputing a fit person from among the officers acting under him, to ascertain on the spot the facts and circumstances of any case into which he is authorized to inquire.

Police may pursue offenders into other jurisdictions.

8. It shall be lawful for the head or other officer of police to pursue persons accused of the offences referred to in Article 1 of this Chapter into the jurisdiction of other head officers of police, whether subject to the same magistrate as himself or to the magistrate of any other district.

Examination of witnesses.

9. The examination of witnesses by the police shall be taken in the presence of the head officer, or, in the event of his absence, in the presence of any officer above the rank of burkundaz, and the substance of any material information obtained from them shall be reduced to writing, not in the form of question and answer, but in that of a brief narrative, which shall be signed by the person deposing, and transmitted to the magistrate, as hereinafter provided, under the signature of the police officer by whom the inquiry may have been made.

Police officers not to examine the accused.

10. It shall not be competent to a head or other officer of police to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make.

Inquiry by the police.

11. The head or other officer of police shall complete the inquiry with as little delay as possible, and if the head officer himself have made the inquiry, he shall forward the accused to the magistrate, under the custody of one or more burkundazes, provided the evidence is such as to warrant that course, and the offence be not bailable, and shall bind over the prosecutor and witnesses to appear on or before a fixed day before the magistrate of the district. If a subordinate police officer have made the inquiry, he shall submit his proceedings to the head officer, who shall then proceed as if he had made the inquiry himself.

Accused not to be detained by the police beyond 48 hours, without special authority.

12. Provided that it shall not be lawful for the head or other officer of police to detain the accused in custody, without the special orders of the magistrate, for a longer period than forty-eight hours; and provided also, that it shall be competent for a head or other officer of police, on his being satisfied that there are grounds for believing that the accusation is well founded, to forward the accused to the magistrate at any period of the inquiry before the expiration of forty-eight hours from the apprehension of the accused. The head officer shall forward with the accused a short despatch stating the offence for which the accused has been arrested.

Head officer how to proceed in cases of deficient evidence.

13. If it shall appear to the head officer of police that there is not sufficient evidence to warrant the transmission of the accused to the magistrate, he shall release the accused on bail, or on his own recognizance, to appear when required, and submit his proceedings for the orders of the magistrate.

Proceedings of the head officer, of what to consist.

14. In all cases, in submitting his proceedings to the magistrate, the head officer of police shall forward the statement of the person complaining and the depositions of the witnesses, with a brief report of the names of the parties, the nature of the complaint, and the names of the witnesses, without any recapitulation of evidence for expression of opinion as to the guilt of the accused, together with any weapon or property which it may be necessary to produce before the magistrate. The head officer of police shall further state whether he has forwarded the accused in custody, or released him on bail, or on his own recognizance.

Bail.

15. Persons accused of the commission of any of the offences entered in the third column of Schedule A. as not bailable, shall not be admitted to bail, provided that there appear reasonable grounds for believing that such persons have been guilty of the offence imputed to them; but in all cases of persons accused of any other offences, if sufficient bail be tendered for appearance before the magistrate, the

head officer of police shall accept such bail, and immediately release the party apprehended.

When security for keeping the peace to be required.

16. In cases of manifest necessity, when the head officer of police may be apprehensive of danger to the public peace by the enlargement of a person arrested for rioting or other bailable offence, without security being taken for his peaceable conduct, the person so arrested shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace; and the surety or sureties shall execute a recognizance in an amount to be regulated by the circumstances of the case and the condition of the person executing the same. In default of his furnishing the required security, the accused shall be forwarded under custody to the magistrate.

Police to report all apprehensions.

17. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who has been apprehended shall be discharged, except on bail, or on his own recognizance, or under the special order of the magistrate.

Bail not to be excessive. Terms of security.

18. The bail to be taken for appearance before the magistrate, in pursuance of Article 15 of this Chapter, shall not be excessive; and the surety or sureties shall bind himself or themselves under a specific penalty to produce the defendant before the magistrate on or before a fixed day, to answer the complaint.

Prosecutors and witnesses to execute recognizance to appear before the magistrate.

19. Prosecutors and witnesses, whose attendance may be necessary at the Criminal Courts, shall execute recognizances before the police officers, to appear before the magistrate on a specific day, which shall be the day whereon the accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody. The police officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a despatch, which the prosecutor or witness shall be required to deliver in person to the magistrate or the nazir of his Court, unaccompanied by any officer of police.

Witnesses not to be subjected to restraint.

20. The police officers shall not subject witnesses to any restraint or unnecessary inconvenience, nor require them to give any other security for their appearance than their own recognizances; but if any witness shall refuse to attend, or to execute the recognizance directed in the last preceding Article, it shall be competent to the head officer of police to forward such witness under custody to the magistrate.

Recusant witness may be forwarded in custody.

By whom the powers of the head officer of police may be exercised in his absence or illness.

21. The powers to be exercised by the head officer of police under the foregoing rules shall be exercised, in the event of his absence or illness, by the head police officer present at the police station above the rank of burkundaz.

Service of process issued by the police.

22. All processes in criminal cases cognizable by the police officers shall be served by the burkundazes at the police station, without any charge to the parties or witnesses.

Penalty for taking unauthorized cognizance of offences.

23. The police officers are strictly prohibited, on pain of dismissal from office, from taking cognizance of any of the offences described in the provisions of the Penal Code specified in Article 1 of this Chapter, except under the special orders of the magistrate. But it shall be at the discretion of the magistrate to issue such orders to the officers of police, in regard to the investigation of criminal cases, as he shall think proper, and such officer shall be bound to obey the orders of the magistrate.

Magistrate may direct investigation at his discretion.

How head officer of police is to proceed in regard to cases triable by the Subordinate Criminal Courts.

24. When a Subordinate Criminal Court has been authorized to receive cases coming within its jurisdiction on the report of a police officer, the head officer of police shall forward the accused and submit his proceedings to such court, and shall bind over the prosecutor and witnesses to appear before the same.

CHAPTER X.

OF CONTEMPTS AND DISOBEDIENCE OF ORDERS.

Contempt of Court under Chapter XI Clause 39 of the Penal Code.

1. When any such offence as is described in Clause 39 of Chapter XI of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to judge the offender to punishment as authorized by the said Clause.

Contempt of lawful authority under Chapter X of the Penal Code.

2. When any of the offences described in Chapter X of the Penal Code is committed in contempt of the lawful authority of a judge or court of justice, or of a magistrate, or any officer vested with the powers of a magistrate, acting as such in any stage of a judicial proceeding, it shall be competent to such judge, or court, or magistrate, to punish the same as for a contempt of court, and to adjudge the offender to punishment as authorized by the Clause applicable thereto.

Ordinary powers of punishment not to be exceeded.

3. Provided that no magistrate or judge of a Subordinate Criminal Court shall exceed his ordinary powers of punishment in fixing the measure of punishment for any of the offences referred to in the three last preceding Articles; and

Punishment may be remitted on submission of the offender.

provided also, that where a person has been sentenced to punishment under the provisions of the last preceding Article, for refusing or omitting to do anything which he was required to do, it shall be competent to the judge, court of

justice, or magistrate, to remit the punishment, on the submission of the offender to the order or requisition of such judge, court of justice, or magistrate.

CHAPTER XI.

CRIMINAL CHARGES BY THE ADVOCATE GENERAL.

1. It shall be competent to the Advocate General, at his discretion, to file a criminal charge for any offence, in any criminal court; also to withdraw such charge, and to file another.

Advocate General may file criminal charges.

2. The rules relating to the description of the offence in the case of charges by the Magistrate shall be applicable to criminal charges filed by the Advocate General.

To follow the rules relating to charges.

CHAPTER XII.

PROSECUTIONS IN CERTAIN CASES.

1. Charges of offences punishable under Chapters VI and VII of the Penal Code shall not be entertained by any Court, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council, or by order of, or under authority from, a public officer empowered by the Governor General in Council to direct or authorize such prosecution, or unless instituted by the Advocate General.

Prosecutions for certain offences not to be instituted but under authority of Government or of a duly empowered officer.

2. In cases of contempt of the lawful authority of public servants, and other offences against public servants, as such, described in Chapter X of the Penal Code, except the offence described in Clause 27 of the Chapter, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the public servants concerned, except when they are inferior ministerial servants, in which case the prosecution shall not be instituted but with the sanction of their official superiors.

Prosecution for certain offences under Chap. X of the Penal Code not to be instituted but with the sanction of the public servants concerned.

3. In cases of offences against public justice, described in Clauses 3, 4, 5, 6, 9, 16, 17, 20, and 39, of Chapter XI of the Penal Code, prosecutions shall not be instituted in the Criminal Courts, but with the sanction of the court of justice, judge, or magistrate, before which or whom, or against which or whom, such offence was committed.

For certain offences under Chapter XI of the Penal Code, but with the sanction of the authority before which the offence was committed.

4. When a court of justice, judge, or magistrate, is of opinion that there is sufficient ground for bringing any person to trial on a charge of any of the offences referred to in the last two preceding Articles, the court, or judge, or magistrate, after making such preliminary inquiry as may be necessary, may send the case for investigation to the magistrate, who shall proceed to inquire into the case, and pass such orders thereon as he may deem proper; provided that it shall be competent to a court of session to charge a person for any such offence committed before it, or under its own cognizance, and to try such person upon its own charge.

Mode of proceeding in cases mentioned in the two last preceding Articles.

CHAPTER XIII.

OF PRELIMINARY INQUIRY BY THE MAGISTRATE IN CASES TRIABLE BY THE SESSION COURT.

Complaint and issuing of Process for causing the Attendance of the Accused.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction that any person has committed, or is suspected to have committed, any of the offences specified in Schedule A. as triable exclusively by the Court of Session, or which in the opinion of the magistrate is one that ought to be tried by the Court of Session, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always, that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint; provided also, that in any case which is triable exclusively by the Court of Session under the provisions of Chapter II Article X Clauses 3, 4, and 5 relating to the "Criminal Courts of original jurisdiction," the magistrate shall proceed in the same manner as if the case had been triable by himself.

Magistrate may issue his warrant.

May issue a summons instead of a warrant.

In what cases he is to proceed as if the case had been triable by himself.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Postponement of issue of process.

May dismiss the complaint.

3. It shall be at the discretion of the magistrate in issuing his warrant for the arrest of any party against whom a complaint has been made, to direct that if such party be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release the party from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may direct bail to be taken.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, how-

Magistrate may dispense with the personal attendance of the accused.

ever, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant endorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who endorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usally resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the Magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c. of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons, under his hand and seal, requiring them to appear at a time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neglect or refusal, then upon proof of such summons having been served upon such person, either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer, may be committed to custody.

10. If any person so summoned or brought before a magistrate shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit the person refusing to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When a case is brought before a magistrate in which a person is charged with an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the inquiry, as provided in Article 16 of this Chapter.

To be in the presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed

by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive any written admission or confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant.

Examination of defendant.

16. It shall be at the discretion of the magistrate to examine the defendant at any stage of the inquiry from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the inquiry is completed, and the defendant either discharged, or committed or held to bail to take his trial before the Court of Session.

Magistrate how to proceed in case of confession.

17. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

18. No influence, by means of any promise or threat, shall be used to any defendant under examination to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

19. The examination of the defendant, including every question put to him, and every answer given by him, shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers ; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination ; and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing as he gives it, at the foot of the examination, and whether the defendant signs it or not, the examination shall be attested by the signature of the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Examination to be admitted as evidence on the attestation of the magistrate.

No other attestation shall be necessary to render the examination available as evidence at the trial of the defendant, and such attestation shall be admitted without proof of the signature to it, unless the trying court shall see reason to doubt its genuineness.

Defendant may be detained for any offence committed by him.

20. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

21. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination, for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Discretionary with the magistrate to take evidence for the defence.

22. It shall be at the discretion of the magistrate to summon and examine any evidence that may be offered in behalf of the defendant to answer or disprove the evidence against him.

Witnesses for the defence.

23. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conditional Pardon.

Magistrate may tender a pardon in certain cases.

24. In cases of murder, dacoity, robbery thuggee, offences relating to coin, and forgery, as well as in cases of house-breaking and theft, attended with circumstances of aggravation it shall be lawful for the magistrate, recording his reasons for the same, to tender a pardon to one or more persons supposed to have been directly or indirectly concerned in or privy to the offence on condition of their making a full, true, and fair disclosure of the whole of the circumstances within their knowledge relative to the crime committed and the persons concerned in the perpetration thereof, or of their pointing out (in cases of robbery and theft) the mode in which the stolen property may have been disposed of.

When Sudder Court or Session Court may direct the commitment of a person to whom a pardon may have been tendered.

25. It shall be competent to the Session Court, or to the Sudder Court as a Court of reference, to direct the commitment of any person to whom a pardon may have been offered under the provisions of the last preceding Article, should it appear that such person has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information.

When Sudder Court or Session Court may direct a tender of pardon.

26. In like manner it shall be competent to a Session Court, at the time of trial, and also to the Sudder Court as a Court of reference to instruct the magistrate to tender a pardon to one or more persons supposed

to have been directly or indirectly concerned in or privy to the offence, with the view of obtaining his or their evidence on the trial.

Sudder Court may revise proceedings when a pardon may have been tendered.

27 It shall be competent to the Sudder Court to revise the proceedings of the magistrates, in any case in which a pardon may have been tendered to any person, and to annul the orders passed on such proceedings, should it appear to the Sudder Court that a pardon had been granted on insufficient grounds.

Bail.

Bail not to be taken for certain offences if proof of guilt.

28. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as not bailable in Schedule A. of this Code of Procedure, such person shall not be admitted to bail, provided that there appear reasonable grounds for believing that he has been guilty of the crime imputed to him ; but if the evidence given in support of the accusation shall, in the opinion of the magistrate, not be such as to raise a strong presumption of the guilt of the person accused and to require his committal, or such evidence shall be adduced on behalf of the person accused as shall, in the opinion of the magistrate, weaken the presumption of his guilt, but there shall appear to the magistrate in either of such cases to be sufficient ground for judicial inquiry into his guilt, the person accused shall be admitted to bail.

When may be taken.

When bail shall be taken.

29. Where any person shall appear or be brought before a magistrate accused of any of the offences entered as bailable in Schedule A. of this Code of Procedure, he shall at once be admitted to bail.

Recognizance of accused and sureties.

30. Where a magistrate shall admit any person accused of any offence, or on suspicion thereof, to bail, a recognizance in such sum of money as the magistrate shall think sufficient is to be entered into by the person so accused, and one or more sureties, conditioned that such person shall attend during the preliminary inquiry, and, if required, shall appear at the then next session of the Session Court, to answer the charge.

Insufficient bail.

31. If through mistake or fraud, insufficient bail has been taken, or if the sureties become afterwards insufficient, the accused may be ordered by the magistrate to find sufficient sureties, and in default may be committed to prison.

Bail may be taken any time before conviction.

32. If the accused cannot presently find sureties, he shall be admitted to bail upon his doing so at any time afterwards before conviction.

Discharge on bail.

33. After the recognizances shall have been duly entered into, the magistrate, in case the accused shall have appeared voluntarily, or shall be in the custody of some officer, shall thereupon discharge him ; and in case he shall be in some prison or other place of confinement, shall issue a warrant of discharge to the gaoler or other person having him in his custody, who shall thereupon liberate him.

How persons who have bailed may discharge themselves.

34. Those who may have become bail for any person may discharge themselves by taking him and surrendering him before the Court by which he has been bailed, and he may thereupon be committed to prison by the said Court.

New sureties.

35. In such case it shall be competent to such defendant to find new sureties.

Proceedings to compel payment of penalty by accused.

36. Whenever by reason of default of appearance of the party executing the personal recognizance, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, he shall proceed to enforce the penalty in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceedings to compel payment of penalty by sureties.

37. Whenever by reason of default of appearance by the party bailed, the magistrate shall be of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, he shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid ; and, if no sufficient cause shall be shown, the magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court ; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the Civil gaol, during a period not exceeding six months.

Warrant of Commitment.

Warrant of commitment, how to be directed, &c.

38. Every warrant of commitment shall be directed to some gaoler, keeper, or other officer or person having authority to receive and keep prisoners, either by his name or official description, and shall command the person to whom it is so directed to receive the prisoner and keep him until he be discharged in due course of law.

Warrant, what to contain.

39. The warrant (which must be drawn up before the party is sent to prison) shall set forth the name of the defendant in full, if known ; but if it be not known, then a description of his person, stating the refusal to tell his name ; and shall state in substance the offence in respect of which the prisoner is charged, the authority of the committing officer, and the place of imprisonment.

With whom to be lodged.

40. The warrant of commitment shall be lodged with the gaoler, if he be in the gaol ; and if he be not, with his deputy ; and if he has no deputy, it may be lodged with any officer of the gaol then being in the gaol.

Adjournment.

When magistrate may adjourn the inquiry.

41. If from the absence of witnesses or from any other reasonable cause, it shall become necessary or advisable to defer the examination

or further examination, of witnesses for any time, it shall be lawful for the magistrate, by a written order, from time to time to adjourn the inquiry, and to remand the person accused for such time as shall be deemed reasonable, not exceeding fifteen days ; provided that the magistrate may order such accused person to be brought before him at any time before the expiration of the time for which such accused person shall be so remanded, and the gaoler or other officer in whose custody he shall then be shall duly obey such order ; provided also that, instead of detaining the accused person in custody during the period for which he shall be so remanded, the magistrate may discharge him, upon his entering into a recognizance, with or without a surety or sureties, at the discretion of such magistrate, conditioned for his appearance at the time and place appointed for the continuance of such examination.

Discharge of the Defendant.

When defendant to be discharged.

42. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Commitment, &c. of the Defendant for Trial.

When defendant to be committed for trial.

43. The defendant shall be sent for trial by a magistrate of a zillah before the Session Court, when evidence has been given before the magistrate which appears to be sufficient to convict the defendant of an offence which is triable exclusively by the Court of Session, or which, in the opinion of the magistrate, is one that ought to be tried by the Court of Session.

Copy of charge to be furnished to defendant.

44. As soon as the charge on which the defendant is to be tried has been prepared, it shall be read to the defendant, and a copy or translation of it shall be furnished to him. The defendant shall then be at liberty to give in, orally or in writing, a list of witnesses whom he may wish to be summoned, to give evidence on his trial before the Session Court. The magistrate shall receive the list, and summon the witnesses to appear before the Court before which the defendant is to be tried. This, however, shall not prevent a person committed from giving in a further list of witnesses, and having them summoned at any time between the commitment and the trial. The provisions of Articles 8 and 9 of this Chapter, so far as they relate to the compulsory attendance of witnesses, shall be applicable to witnesses named by the defendant in the lists above mentioned.

Witnesses for the defence on the trial.

Copies of depositions to be furnished to defendant.

45. When the preliminary inquiry is concluded, the defendant shall be entitled to copies of the depositions on the record of the same without delay, if he demands them at a reasonable time before the trial.

Warrant of commitment.

46. Upon the commitment of the defendant to take his trial before the Court of Session, the magistrate shall issue a warrant of commitment, stating the offence in the same form as the charge.

CHAPTER XIV.

ON THE CHARGE.

What the charge is to contain.

1. When the magistrate has resolved to send the defendant before the Court of Session for trial, or put him on his trial before himself for any offence punishable under the Penal Code with imprisonment for a period exceeding six months, he shall make a written instrument under his hand and seal, declaring with what offence the defendant is charged, and within the cognizance of what court the offence is, and shall direct that the defendant be tried by the said court on the said charge. In all cases sent for trial to the Court of Session, the magistrate shall send a copy of this instrument, with the proceedings, to the public prosecutor, where such officer has been appointed, otherwise to the court before which the defendant is to be tried.

How the offence is to be described.

2. The charge shall describe the imputed offence as nearly as possible in the language of the Clause of the Penal Code under which such offence is punishable, and shall refer to such Chapter and Clause by the number of the Clause and Chapter.

Absence of General Exceptions under the Penal Code to be assumed.

3. It shall not be necessary to allege in the charge any circumstances for the purpose of showing that the case does not come, nor shall it be necessary to allege that the case does not come, within any of the General Exceptions contained in the fourth Chapter of the Penal Code, but every charge shall be understood to assume the absence of all such circumstances.

Evidence as to General Exceptions.

4. It shall not be necessary at the trial, on the part of the prosecutor, to prove the absence of such circumstances in the first instance ; but the defendant shall be entitled to give evidence of the existence of any such circumstances, and evidence in disproof thereof may be given on the part of the prosecutor.

Clause of the Penal Code containing an exception, not a General Exception.

5. Where the Chapter and Clause itself referred to in the charge contains an exception, not being one of such General Exceptions, the charge shall not be understood to assume the absence of circumstances constituting such exception so contained in the Chapter and Clause, without a distinct denial of the existence of such circumstances.

6. The charge may contain one or more heads.

Charges containing One Head.

Heads of charge.

7. Where a charge contains one head only, the form shall be as follows, or to the same effect :

Forms of Charge.

(a) I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the Charge :

(b) That he has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code, (c) and within the cognizance of the [*style of the Court*].

On Clause 1 Chapter VI.

(d) And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate.*]

Where the magistrate tries the case, there must be substituted for *(c)*:
within my cognizance; and the words "by the said Court" in *(d)* may be omitted.

To be substituted for *(b)*.

(2). That he has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and, by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code.

On Clause 4 Chap. VI applied to Clauses 3 Chap. VI and 28 Chap. XVI.

(3.) That he has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 7 Chap. VIII.

(4). That he has, being a public servant, directly accepted from a party, for another party, a gratification other than legal remuneration, as a motive for his, the said Z's forbearing to do an official act, and has thereby committed an offence punishable under Clause 1 Chapter IX of the Penal Code, and within the cognizance of the [*style of the Court.*]

On Clause 1 Chap. IX.

(5). That he has committed voluntary culpable homicide in defence, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 6 Chap. XVI.

(6). That he has abetted the commission of suicide by a person in a state of intoxication, and has thereby committed an offence punishable under Clause 8 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 8 Chap. XVI.

(7). That he has omitted what he was legally bound to do, with such knowledge and under such circumstances that, if he by that omission had caused death, he would have been guilty of murder, and has carried that omission to such a length as, at the time of carrying it to that length, he contemplated as sufficient to cause death, and has thereby committed an offence punishable under Clause 10 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 10 Chap. XVI.

(8). That he has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 28 Chap. XVI.

(9). That he has committed robbery, and has thereby committed an offence punishable under Clause 14 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 14 Chap. XVII.

(10). That he has committed dacoity, and has thereby committed an offence punishable under Clause 17 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 17 Chap. XVII.

(11). That he, being a public servant in the post office department, and being, as such, intrusted with the keeping of a packet, has committed criminal breach of trust by misappropriating a thing contained in such packet, and has thereby committed an offence punishable under and within the cognizance of the [*style of the Court*].

(12.) That he has committed lurking house-trespass by night, and has thereby committed an offence punishable under Clause 80 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clause 80 Chap. XVII.

(13.) That he has committed lurking house-trespass by night, being an offence punishable under Clause 80 Chapter XVII of the Penal Code, in order to the committing of theft, and has actually committed such theft, being an offence punishable under Clause 2 Chapter XVII of the Penal Code, both such offences being within the cognizance of the [*style of the Court*], and has by reason of the premises become liable to cumulative punishment under Clause 81 Chapter XVII of the Penal Code.

On Clause 81 Chap. XVII applied to Clauses 2 and 80 of the same Chapter.

And the same form shall be followed, as nearly as may be, in charges with one head only, upon order Clauses of the Penal Code.

Charges containing two or more Heads.

8. When it appears to the magistrate that the facts which can be established in evidence show a case falling within two or more Clauses of the Penal Code, the charge shall contain two or more heads, each of which shall be applicable to one of such Clauses.

Charge in cases falling within two or more Clauses of the Penal Code.

9. When it appears to the Magistrate that the facts which can be established in evidence show the commission of two or more offences punishable under the same Clause of the Penal Code, the charge shall contain two or more heads charging such offences respectively.

Two or more offences punishable under the same Clause.

10. When it appears to the magistrate that the fact which can be established in evidence show a case within some one of two or more Clauses of the Penal

Cases of doubt as to the Clause which is applicable, or the offence which may be proved.

Code, but it is doubtful which of such Clauses will be applicable, or show the commission of one of two or more offences punishable under the same Clause of the Penal Code, but it is doubtful which of such offences will be proved to have been committed, the charge shall contain two or more heads, framed respectively on each of such Clauses, or charging respectively each of such offences, accordingly.

Form of charge of more than one head.

11. When a charge contains more heads than one, the form shall be as follows, or to the same effect:

Forms of Charge.

I, A [*name and office of magistrate, &c.*], declare that there is hereby made against Z the charge:

On Clauses 13 and 14 Chap. XII.

First: That he has, knowing a coin to be counterfeit, delivered the same to another person as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has, knowing a coin to be counterfeit, attempted to induce another person to receive it as genuine, and has thereby committed an offence punishable under Clause 13 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and intending that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, and knowing it to be likely that such counterfeit coin might pass as genuine, and has thereby committed an offence punishable under Clause 14 Chapter XII of the Penal Code, and within the cognizance of the [*style of the Court*].

And I hereby direct that Z be tried by the said Court on the said charge.

[*Signature and seal of the magistrate, &c.*].

On Clauses 4 and Chap. XVI.

First: That he has committed murder, and has thereby committed an offence punishable under Clause 4 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed culpable homicide, and has thereby committed an offence punishable under Clause 6 Chapter XVI of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 4 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed theft, having made preparation for causing death to a person in order to the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Thirdly: That he has committed theft, having made preparation for causing restraint to a person in order to retiring after the committing of such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Fourthly: That he has committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and has thereby committed an offence punishable under Clause 4 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

On Clauses 2 and 28 Chap. XVII.

First: That he has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

Secondly: That he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 Chapter XVII of the Penal Code, and within the cognizance of the [*style of the Court*].

And the same shall be followed, as nearly as may be, in charges with more heads than one, upon other Clauses of the Penal Code.

Amendment of charge.

12. It shall be competent to the court, at any stage of a trial, to amend or alter the charge against a defendant.

When the trial may be immediately proceeded with after amendment.

13. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the court, to prejudice the defendant in his defence, it shall be at the discretion of the court, after making the amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When a new trial may be ordered, or trial suspended.

14. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the court, to prejudice the defendant in his defence, the court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the defendant to make his defence to the amended or altered charge; and after hearing his defence, may further adjourn the trial to admit of the appearance of any witnesses whose evidence the court may consider to be material to the case, or whom the defendant may wish to be summoned in his defence. If after the reading of the amended or altered charge to the defendant no postponement is desired by the defendant, or considered necessary by the court, the court may at once proceed with the trial.

Defendant may recall and cross-examine witnesses for prosecution.

15. In all cases of amendment or alteration of a charge, the defendant shall be allowed to recall and cross-examine any witness that may have been examined for the prosecution

CHAPTER XV.

OF OFFENCES TRIABLE BY THE MAGISTRATE.

CASES IN WHICH A WARRANT ON COMPLAINT MAY ISSUE AGAINST THE DEFENDANT.

Complaint and issuing of Process for causing the Attendance of the Accused.

Cases in which magistrate may issue a warrant.

1. In all cases where a complaint shall be made before a magistrate having jurisdiction in the case that any person has committed, or is suspected to have committed any offence triable by such magistrate, and which is punishable under the Penal Code with imprisonment for a period exceeding six months, it shall be lawful for such magistrate to issue his warrant to apprehend such person; provided always that in all cases it shall be lawful for the magistrate to whom such complaint shall be made, if he shall so think fit, instead of issuing in the first instance his warrant to apprehend the person so complained against, to issue his summons requiring him to appear to answer to such complaint.

Summons instead of warrant.

Postponement of issue of process.

2. If the magistrate see cause to distrust the truth of the complaint, he may postpone the issuing of process for causing the attendance of the accused, and direct a previous inquiry to be made into the complaint, either by means of the local police officers, or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of the inquiry induces the magistrate to believe the charge well founded, and the offence be of the nature described in Article 1 of this Chapter, he shall issue his warrant or summons as therein directed; provided that nothing herein contained shall prevent the magistrate from at once dismissing the complaint, if in his judgment there be no sufficient ground for proceeding with it.

Magistrate may direct bail to be taken.

3. It shall be at the discretion of the magistrate, in issuing his warrant for the arrest of any person against whom a complaint has been made, to direct that if such person be willing and ready to give bail in a sum to be fixed by the magistrate for his appearance before the magistrate on a specified day to answer the complaint, the officer to whom the warrant is directed shall accept such bail, and shall release such person from custody. In the event of bail being given, the officer shall forward the recognizance to the magistrate.

Magistrate may dispense with personal attendance of accused.

4. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Arrest on warrant indorsed by a magistrate of another district.

5. Where any such person as is mentioned in Chapter V Article 10 or Article 11 shall be apprehended out of the jurisdiction of the magistrate granting the warrant against him, and carried before the magistrate who indorsed such warrant, the magistrate before whom such person shall be brought, in case the offence for which such person shall be apprehended shall be bailable in law, and such person shall be willing and ready to give bail for his appearance on a specified date before the magistrate granting the warrant, shall take bail of such person for his appearance before the magistrate granting the warrant, release the person from custody, and forward the recognizance to the magistrate granting the warrant.

Proclamation for an absconding party.

6. If any person accused of an offence absconds or conceals himself, so that upon a process issued against him by a magistrate he cannot be found, the magistrate shall, on proof thereof, cause a written proclamation requiring the absent party to appear to answer the complaint within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his Court, as well on the entrance door of the house in which the party has usually dwelt, or some conspicuous place in the town or village in which he has usually resided. In case the party does not appear, and deliver himself up within the period fixed, it shall be lawful for the magistrate, on receiving the return of the proper officer to this effect, and on proof of the publication of the proclamation in the manner above provided, to order the attachment of any moveable or immoveable property held within his jurisdiction by the party absconding or concealing himself. The attachment under this Article shall, if the property ordered to be attached be land paying revenue to Government, be made through the collector of the district in which the land is situate; and in all other cases, either by actual seizure by an officer of the magistrate's court, or by the appointment of a manager and receiver, or by an order prohibiting the payment of rents to the absent party, as the magistrate shall deem proper under the circumstances of each case. If the absent party shall not appear within six months from the date of the publication of the proclamation, the property under attachment shall be at the disposal of the Government.

Attachment of property.

Property after six months to be at the disposal of Government.

Summoning, &c., of Witnesses.

Summons to a witness to attend and give evidence.

7. The magistrate shall ascertain from the complainant, or otherwise, the names of any persons who may be acquainted with the facts and circumstances of the case, and are likely to give material evidence for the prosecution, and shall issue his summons to such persons under his hand and seal, requiring them to appear at the time and place mentioned in the summons before the said magistrate, to testify what they know concerning the complaint made against the accused party.

If he do not obey the summons, then warrant.

8. If any person so summoned shall neglect or refuse to appear at the time and place appointed by the summons, and no just excuse shall be offered for such neg-

ect or refusal, then upon proof of such summons having been served upon such person either personally or by leaving the same for him with some adult member of his family, it shall be lawful for the magistrate to issue a warrant, under his hand and seal, to bring such person before him to testify as aforesaid; and, if necessary, such warrant may be backed by the magistrate of another district, in order to its being executed out of the jurisdiction of the magistrate who shall have issued the same.

In what cases warrant in the first instance.

9. If the magistrate shall be satisfied by evidence before him, that it is probable that such person will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, which, if necessary, may be backed as aforesaid.

Refusing to answer may be committed to custody.

10. If any witness shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, the magistrate may, by warrant under his hand and seal, commit such witness to custody for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of Parties and Evidence.

Examination of the complainant and witnesses for the prosecution.

11. When any such case, as referred to in Article 1 of this Chapter, is brought before a magistrate, the magistrate shall take the evidence of the complainant, and of such persons as are stated to have any knowledge of the facts which form the subject-matter of the accusation and the attendant circumstances; provided that nothing herein contained shall prevent the magistrate from examining the defendant at any stage of the proceedings, as provided in Article 17 of this Chapter.

To be in presence of the defendant, who may cross-examine.

12. The complainant and the witnesses for the prosecution shall be examined in the presence of the defendant, and the defendant shall be permitted to cross-examine them.

How the evidence is to be recorded.

13. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make. It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Magistrate not to receive written confession of guilt made to the police.

14. It shall not be competent to the magistrate to receive in evidence against the defendant any written admission or confession of guilt, or any statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

15. Nothing contained in the last preceding Article shall prevent the magistrate from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

May summon necessary witnesses at any stage of the proceedings.

16. It shall be at the discretion of the magistrate, at any stage of the proceedings, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Examination of defendant.

17. It shall be at the discretion of the magistrate to examine the defendant at any stage of the proceedings, from the time of the defendant being first brought before him, and to put such questions to him from time to time as he may consider necessary, until the proceedings are completed and judgment pronounced.

Magistrate how to proceed in case of confession.

18. If the defendant shall of his own accord propose to confess the commission by him of the offence of which he supposes himself to be accused, the magistrate shall require him to give an account of the facts and circumstances in detail, and shall examine him thereupon to test the consistency of his relation, in the same manner as if he were a witness.

No influence to be used to induce disclosures.

19. No influence, by means of any promise or threat, shall be used to any defendant under examination, to induce him to disclose or withhold any matter within his knowledge.

Examination of the defendant how to be recorded.

20. The examination of the defendant, including every question put to him and every answer given by him shall be recorded in full, and shall be shown or read to him, and he shall be at liberty to explain or add to his answers; and when the whole is made conformable to what he declares is the truth, he shall be called upon to sign the examination, and so with the examination made on each day, if made on more days than one. If the defendant refuses to sign, his reason shall be stated in writing, as he gives it at the foot of the examination; and whether the defendant signs it or not, the examination shall be attested by the signature of the

magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing, and contains accurately the whole of the defendant's statement.

Defendant may be detained for any offence committed by him.

21. The defendant, on examination, may be committed or held to bail by the magistrate for any offence which from the evidence he may appear to have committed.

Any person attending may be detained for any offence committed by him.

22. Any person attending, although otherwise than upon an arrest or summons on a charge made, may be detained by the magistrate for the purpose of examination for any offence which from the evidence he may appear to have committed, and proceeded against as though he had been summoned on a charge made.

Bail and Warrant of Commitment.

Application of previous rules.

23. The provisions of Chapter XIII Articles 28 to 40 inclusive shall be applicable to cases triable by the magistrate under the rules contained in this section.

Adjournment.

Application of previous rules.

24. The provisions of Chapter XIII Article 41 shall be applicable to cases triable by the magistrate under the rules of this section.

Discharge of the Defendant.

When defendant to be discharged.

25. When a magistrate finds that there are not sufficient grounds for putting the defendant on his trial on a formal charge, or for remanding him, he shall discharge him.

Charge, Plea, and Defence.

Charge.

26. When the evidence of the complainant and of the witnesses for the prosecution, and such examination of the defendant as the magistrate may consider necessary, have been taken, the magistrate shall consider whether any and what offence is *primâ facie* proved against the defendant, and if he finds that an offence is apparently proved against the defendant which falls within the definition in a certain Chapter and Clause of the Penal Code, or within one or other of the definitions in several Chapters or Clauses of the Code, he shall prepare in writing a charge against the defendant in the manner prescribed in Chapter XIV of this Code of Procedure.

Plea.

27. The charge shall then be read to the defendant, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty."

28. If the defendant plead "guilty," the magistrate shall explain to him the Clause or Clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge, and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Plea of "not guilty."

29. If the defendant plead "not guilty" to the charge, he shall be called upon to enter upon his defence, and to produce his evidence, if in attendance, and shall be allowed to recal and cross-examine the witnesses for the prosecution.

Evidence for the defence

30. The magistrate shall summon any witness, and examine any evidence, that may be offered in behalf of the defendant, to answer or disprove the evidence against him, and may, for this purpose, at his discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Witnesses for the defence.

31. The provisions of Articles 8, 9, 10, and 13 of this Chapter shall be applicable to witnesses named in support of the defence.

Conviction.

32. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

How the magistrate is to proceed when after commencement of trial, he finds the case beyond his jurisdiction.

33. In any trial before a magistrate, wherein it may appear, at any stage of the proceedings, that either from the value of the property exceeding the pecuniary limit assigned to the magistrate, or other cause, the case is one which the magistrate is not competent to try, the magistrate shall stop further proceedings under this Chapter, and shall proceed in accordance with the rules of Chapter XIII for conducting preliminary investigations in cases triable by the Session Court; and if the accused have been called upon to plead to a charge or charges prepared by the magistrate, such charge or charges, and the proceedings consequent thereon, shall be held to be null and void.

CHAPTER XVI.

OF OFFENCES TRIABLE BY THE MAGISTRATES.

Cases in which a Summons on Complaint shall issue to the Defendant.

Complaint and issuing of Process for causing the attendance of the Accused.

Summons shall issue.

1. In all cases where a complaint shall be made before a magistrate, having jurisdiction in the case, that any person has committed or is suspected to have committed any offence other than the offences provided for in Chapter XV of this Code of Procedure, for which he is liable, upon a summary conviction for the same before a magistrate, to be imprisoned or fined, or otherwise punished, it shall be lawful for such magistrate to issue his summons directed to such person, stating shortly the matter of such complaint, and requiring him to appear at a certain time and place before such magistrate, to answer

to the said complaint; provided that, if the magistrate shall be satisfied by evidence before him that the accused is about to abscond, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance for the arrest of the accused.

When warrant may issue.

2. Every such summons shall be served upon the person to whom it is so directed, by delivering the same to such person, or by leaving the same with some adult member of his family; and the proper officer shall certify the service of the said summons.

Service of summons.

3. Provided that, before issuing the summons to the accused party, it shall be competent to the magistrate to examine the complainant as to the specific facts of the case, and if upon such examination it shall appear to the magistrate that there is no sufficient ground for summoning the accused, he may refuse the summons.

When magistrate may refuse summons.

4. If the person served with a summons as provided in Article 2 of this Chapter shall not be and appear before the magistrate at the time and place mentioned in such summons, and it shall be made to appear to the magistrate that such summons was so served in what shall be deemed by the magistrate to be a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such magistrate, if he shall think fit, upon declaration being made before him substantiating the matter of such complaint to his satisfaction, to issue his warrant to apprehend the person so summoned, and to bring him before such magistrate to answer to the said complaint.

If summons be not obeyed, warrant.

5. The magistrate may, if he sees sufficient cause, dispense with the personal attendance of the party complained against, and permit him to appear by an agent duly authorized to act in his behalf. In such case, however, it shall be at the discretion of the magistrate, at any stage of the proceedings, to direct the personal attendance of such party.

Magistrate may dispense with personal attendance of accused.

Summoning, &c. of Witnesses.

6. If it shall be made to appear to the magistrate that any person is likely to give material evidence in behalf of the complainant or defendant in any case which may be tried according to the rules of this Chapter, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, such magistrate shall issue his summons to such person under his hand and seal, requiring him to appear at a time and place mentioned in the summons, before the said magistrate, to testify what he knows concerning the matter of the said complaint.

Summons to witness to attend and give evidence.

7. It shall be lawful for the magistrate to direct that, before any process is issued for the attendance of witnesses in cases under this Chapter, the person preferring the charge shall deposit in the hands of the proper officer a sufficient sum for the maintenance of the witnesses who may be summoned on his application, during their attendance at the magistrate's Court, and the magistrate shall regulate the amount of diet money so required, with reference to the probable period such witnesses may have to be in attendance, and in the event of the prolonged detention of witnesses, shall direct the deposit of any further sum which to the said magistrate may seem requisite.

Diet money for witnesses.

8. It shall be at the discretion of the magistrate, at any stage of the trial, to summon and examine any witnesses whose evidence he may consider essential to the just decision of the case.

Magistrate may summon necessary evidence.

9. The provisions of Chapter XV Articles 8, 9, and 10 shall be applicable to witnesses summoned according to the provisions of Articles 6 and 8 of this Chapter.

Application of previous rules.

Bail.

10. If upon the day and at the place appointed the defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the magistrate by virtue of any warrant, it shall be at the discretion of the magistrate to admit the defendant to bail, or allow him to be at large upon his personal recognizance. If he cannot give bail, when required to do so, he shall be committed to custody. In cases in which the order of the magistrate shall direct that the defendant be admitted to bail, the provisions of Chapter XIII Articles 28 to 37 inclusive shall be applicable to cases tried according to the provisions of this Chapter.

Defendant may be admitted to bail or to be at large upon personal recognizance.

Appearance, Examination of Parties, and Evidence.

11. If upon the day appointed for the appearance of the defendant, or any day subsequent thereto, on which the case may be called on, the complainant does not appear, the magistrate shall dismiss the complaint; unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit.

Non-appearance of complainant.

12. On the appearance of both parties for the hearing of the case, the substance of the complaint shall be stated to the defendant, and he shall be asked if he have any cause to show why he should not be convicted; and if he thereupon admit the truth of such complaint, and show no cause, or no sufficient cause, why he should not be convicted, then the magistrate may convict him accordingly.

Admission by defendant of truth of complaint.

13. If the defendant do not admit the truth of the complaint, then the magistrate shall proceed to hear the complainant, and such witnesses as he may examine in support of his complaint, and also to hear the defendant and such witnesses as he may examine

Proceeding when no such admission is made.

in his defence ; and having heard the parties and their witnesses, shall consider the whole matter and determine the same, and shall convict the defendant or dismiss the complaint, as the case may be.

How the evidence is to be recorded.

14. The evidence of each witness shall be taken down in writing by, or in the presence and under the superintendence of the magistrate, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the magistrate. In case the witness shall refuse to sign the deposition, the magistrate shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the magistrate shall think fit to make It shall be at the discretion of the magistrate to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the magistrate shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the person making it, shall be noticed in taking down the depositions, together with the decision of the magistrate upon the objection. The magistrate shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Adjournment.

15. Before or during the hearing of any complaint, it shall be lawful for the magistrate to adjourn the hearing of the same to a future day, to be then appointed and stated in the presence and hearing of the party or parties ; and if on the day to which such hearing or such further hearing shall be so adjourned, the defendant shall not appear, the magistrate may issue his warrant for the arrest of such defendant ; and if the complainant shall not appear, the magistrate may dismiss such complaint.

Formal charge may be prepared.

16. It shall be at the discretion of the magistrate, in the trial of any case in which a summons on complaint shall issue to the defendant, to follow the rules of procedure prescribed in Chapter XIV for the preferring of criminal charges, and in Chapter XV Articles 25 to 31 inclusive, for the trial of such charges.

Conviction.

17. If the defendant is convicted, the magistrate shall pass sentence upon him according to law.

Costs.

Magistrate may award costs.

18. In all cases of summary conviction under this Chapter, it shall be lawful for the magistrate making the same, in his discretion, to award that the defendant shall pay to the complainant such costs as to such magistrate shall seem just and reasonable ; and in cases where such magistrate, instead of convicting as aforesaid, shall dismiss the complaint, it shall be lawful for him, in his discretion, in and by his order of dismissal, to award and order that the complainant shall pay to the defendant such costs as to such magistrate shall seem just and reasonable ; and the sums so allowed for costs shall always be specified in such conviction, or order of dismissal aforesaid, and shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, without labor, in the gaol for the confinement of debtors, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

CHAPTER XVII.

OF INQUIRIES AND TRIALS BEFORE THE SUBORDINATE CRIMINAL COURTS.

How cases are to be brought before Subordinate Criminal Courts.

1. Criminal cases shall be brought before the Subordinate Criminal Courts by reference by the magistrate. It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorize a Subordinate Criminal Court, also to receive such cases on complaint preferred directly to such Court, or on the report of a police officer.

Cases how to be referred.

2. Whenever a criminal case is referred by a magistrate to a Subordinate Criminal Court, the order of reference, if the case have been transmitted by a police officer, shall be recorded on such officer's report, and if the complaint have been preferred direct to the magistrate, the process for causing the attendance of the accused shall be made returnable to the Court to which the case is referred, and the witnesses shall be directed by the summons to attend at such Court.

Subordinate Criminal Courts to follow the same rules of procedure as the magistrate.

3. In the trial of criminal cases, whether brought before them on reference by the magistrate, or directly by complaint preferred to themselves, or by the report of a police officer, the Subordinate Criminal Courts shall be guided by the rules prescribed for the guidance of the magistrate in similar cases, and police officers and others shall be bound to obey all orders and processes issued in such cases by a Subordinate Criminal Court in like manner as if they had been issued by the magistrate.

Mode of proceeding in cases beyond jurisdiction.

4. In every case before a Subordinate Criminal Court, wherein the Court, at any stage of the proceedings, may be of opinion that the evidence is such as to warrant a presumption that the defendant has been guilty of an offence calling for a more severe punishment than the Court is authorized to adjudge, it shall stop further proceedings, and if the case have been brought before it by complaint directly preferred, shall leave the complainant to apply to the magistrate, and in all other cases shall submit its proceedings to the magistrate, who shall either try the case himself, or if the case have been submitted by a Subordinate Criminal Court of the second class, refer it, at his discretion, to a Subordinate Criminal Court of the first class. In either case, the Court which gives judgment in the trial shall examine the parties and the evi-

dence, as if no proceedings had been held in any other Court.

Foregoing rule not to interfere with the power of a Subordinate Criminal Court to commit for trial before the Session Court.

5. Provided that nothing in the last preceding Article shall be held to interfere with the exercise of power specially conferred upon a judge of a Subordinate Criminal Court, in regard to committing or holding to bail persons charged with criminal offences to take their trial before the Session Courts.

CHAPTER XVIII.

PLACE WHERE PRELIMINARY INVESTIGATIONS AND TRIALS HELD, AN OPEN COURT.

Place where investigation made, an open Court.

The room or place in which the magistrate, or judge of a Subordinate Criminal Court, shall sit to hear and try any complaint triable by himself, or to conduct the preliminary investigation into any case triable by a Session Court, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; but it shall be lawful for the magistrate or judge of a Subordinate Criminal Court, in his discretion, to order that during the investigation into any particular case triable by a Session Court, no person shall have access to, or be, or remain in such room or building without the consent or permission of such magistrate or judge, if it appears to him that the ends of justice will be best answered by so doing.

CHAPTER XIX.

OF RECOGNIZANCE AND SECURITY TO KEEP THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

1 Whenever a person charged with rioting, assault, or other violent breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, shall be convicted of such charge before any Criminal Court by which the offence may be cognizable; and the Court by which a final sentence or order in the case may be passed, shall be of opinion that it is just and necessary to require a penal recognizance for keeping the peace, from the person so convicted; it shall be lawful to the Court passing the final sentence or order, to direct that the person so convicted be required to execute a formal engagement in a sum proportionate to such person's condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year from the time of the prisoner's discharge, if the sentence or order be passed by a magistrate or other officer exercising the powers of a magistrate, or three years if the sentence or final order be passed by the Sudder Court, or by a Session Court.

Security to keep the peace.

2. In cases wherein it may appear necessary to require security for keeping the peace in addition to the personal recognizance of the party, it shall also be lawful to the Court passing the final sentence or order, to direct the same, and to fix the amount of the security bond to be executed by the surety or sureties; with a provision that if the same be not given, the party required to find the security shall be kept in custody for any time not exceeding one year, if the order be passed by a magistrate, or other officer exercising the powers of a magistrate, or three years if the order be passed by the Sudder Court, or by a Session Court.

Personal recognizance without conviction.

3. It shall be lawful for the magistrates, or other officers exercising the powers of a magistrate, to take a recognizance from a party in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizance may not have been convicted of any specific offence.

Security without conviction.

4. In cases wherein it may appear necessary to require security for keeping the peace, in addition to the recognizance of the party, it shall be lawful for such magistrate, or other officer exercising the powers of a magistrate, to direct the same, although the party required to give such security may not have been convicted of any specific offence, and to fix a reasonable amount for the security bond to be executed by the surety or sureties.

For one year.

5. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil gaol until he shall do what has been required of him.

For more than one year.

6. Whenever it shall appear to the magistrate or other officer as aforesaid that the period for which the party should be bound to keep the peace, with or without additional security, ought to exceed the period of one year, the magistrate or other officer aforesaid shall record his opinion to that effect, with an order specifying the amount of recognizance and security, as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizances and security so required, the proceedings shall be laid, as soon as conveniently may be, before the Court of Session, which, after examining them and calling for any further information or evidence which it may think necessary, shall pass orders on the case confirming, modifying, or annulling the orders of the magistrate, and if the orders so passed by the Session Court confirm to any extent the requisition for recognizance or securities, the Session Court shall direct the magistrate to commit the party to prison in the civil gaol until he shall do what has been required of him.

7. Provided always, that no party shall be kept in prison under the provisions of the foregoing Articles for a longer period than that for which the recognizance and securities have been required from him.

Imprisonment not to exceed period of recognizance and security.

8. The magistrates are empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security to keep the peace, whether by their own orders or by those of any other person exercising the powers of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

9. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security to keep the peace, by order of the Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his opinion, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

When he must report.

10. Persons who may become sureties for the peaceable behaviour of parties may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up the parties for whom they may have become responsible, to the proper magistrate. In such case, it shall be competent to such parties to find new sureties.

How persons who have become sureties may discharge themselves.

11. Whenever it may be proved before the magistrate, that any such recognizance of a party as aforesaid has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

Proceeding to compel payment of penalty of personal recognizance.

12. Whenever it may be proved before the magistrate, that any such recognizance has been forfeited, if a security bond shall have been taken and the magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

Proceeding to compel payment of penalty by sureties.

CHAPTER XX.

SECURITY FOR GOOD BEHAVIOUR.

1. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by repute a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, it shall be competent to the magistrate to require security for the good behaviour of such person for a definite period not exceeding one year.

When magistrate may require security for good behaviour for one year.

2. Whenever it shall appear to a magistrate, from the evidence to general character adduced before him, that any person is by habit a robber, house-breaker, or thief, or a receiver of stolen property knowing the same to have been stolen, of a character so desperate and dangerous as to render his release, without security, at the expiration of the limited period of one year, hazardous to the community, the magistrate shall record his opinion to this effect, with an order specifying the amount of security which should, in his judgment, be required from such person, as well as the number of sureties, and the period, not exceeding three years, for which the sureties should be responsible for such person's good behaviour.

How to proceed in cases beyond one year.

3. If the person required to furnish security, as provided in the last preceding Article, shall not furnish the security so required, the proceedings shall be laid, as soon as conveniently may be, before the Sessions Court, which, after examining them, and requiring any further information or evidence which it may judge necessary, shall be competent to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as it may judge proper and equitable.

Case to be laid before the Session Court.

4. In all such cases, if the Session Court shall not think it safe to direct the immediate discharge of such person, it shall fix a limited period for his detention, not exceeding three years, in the event of his not giving the security required from him.

Session Court may require security not exceeding three years.

5. In every instance in which security for good behaviour may be required, by the Session Court, or the magistrate, the amount of the security, the number of sureties, and the period of time for which the sureties are to be responsible for the good conduct of the person required to furnish security, shall be stated.

What the order for security is to contain.

6. In the event of any person required to give security under the provisions of the foregoing Articles failing to furnish the security so required, he shall be committed to prison until he furnish the same, provided always that no party shall be kept in prison for a longer period than that for which the security has been required from him.

In default of security, party to be committed to prison.

7. The magistrates are empowered, at all times to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

When magistrate may release persons under requisition of security.

When he must report.

8. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Session Court, can be safely released without such security, the magistrate shall make an immediate report of the case, with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

How persons who have become sureties may discharge themselves.

9. Persons who may become sureties for the good behaviour of parties may at all times obtain a discharge from their future responsibility, by delivering up or causing to be delivered up to the parties for whom they may have become responsible to the proper magistrate. In such case it shall be competent to such parties to find new sureties.

Proceeding to compel payment of penalty by sureties.

10. Whenever the magistrate shall be of opinion that, by reason of an offence proved to have been committed by the person for whose good behaviour security has been given, proceedings should be had upon the bond executed by the surety or sureties, he shall give notice to the surety or sureties to pay the penalty, or to show cause why it should not be paid; and if no sufficient cause shall be shown, the magistrate shall proceed to levy the penalty from such surety or sureties, by the attachment and sale of any of his or their property, in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court; and if the penalty be not paid, and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the magistrate, in the civil gaol of the station, during a period not exceeding six months.

CHAPTER XXI.

JURIES AND ASSESSORS.

Trials to be by jury.

1. The Governor in Council may order that the trial of all offences by the Session Court shall be by jury in such places as he may see fit to specify in such Order; and the said Governor in Council may from time to time revoke or alter such Order.

Trial by jury, before the Session Court, of registered persons.

2. Criminal trials before the Session Judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor in Council may see fit to extend this rule, registered according to such rules as the Governor in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered.

How the jury is to be constituted.

Joinder of registered and non registered persons.

3. Criminal trials before the Session Judge, in which registered and non-registered persons are joined as defendants, shall be by jury, and such joinder shall not be a ground of severance at such trial

How the jury is to be constituted in such cases.

4. In such cases, if the non-registered defendant desire it, at least one-half of the jury shall consist of non-registered persons, and if the registered defendant also desire to be tried by a jury of which one-half are registered persons, then the jury shall be composed of an even number, of which one-half shall be registered, and the remaining half non-registered persons.

Number of which the jury is to consist.

Number of voices necessary to a verdict of guilty.

5. In all trials, before the Session Judge, the jury shall consist of not less than three, nor more than nine persons, and unanimity, or a majority of not less than two-thirds with the concurrence of the judge, shall be necessary for a verdict of guilty; and in default of such unanimity, or of such majority with the concurrence of the judge, the defendant shall be acquitted.

Jury not to consist of less than three.

6. Provided that the jury shall, in all cases, consist of such number of persons, not less than three, as the Governor in Council shall from time to time direct.

Trials before the Session Court with assessors.

7. For all classes of the community not included in the number of those to whom the mode of trial by jury has by the above provisions been extended, trials before the Session Judge shall be conducted with the aid of two or more assessors as members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of such assessors shall be given separately and discussed; and if any of the assessors or the judge shall desire it, the opinion of the assessors shall be recorded in writing. But the decision is vested exclusively in the judge.

Who are capable of serving as jurors and assessors.

8. All persons resident within the limits of the general jurisdiction of the Sudder Court shall, according to such rules, and subject to such qualifications as shall be fixed in manner hereinafter mentioned, be deemed capable of serving as jurors and assessors, and shall be liable to be summoned accordingly.

Sudder Court to make rules in regard to jurors and assessors.

9. The Sudder Court shall have power, from time to time, to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors and assessors, and such other regulations relating thereto, as it may deem expedient and proper; provided that such rules and regulations shall before they are issued have received the sanction of the Governor in Council.

CHAPTER XXII.

TRIALS BEFORE THE SESSION COURTS.

Cognizance of offences by the Session Court in original jurisdiction.

1. Except in the cases referred to in Chapter XII Article 4, a Court of Session, as a Court of original criminal jurisdiction, shall not take cognizance of any offence, but upon a charge preferred by

the Advocate General, or by a magistrate or other officer specially empowered by the Government to act in this behalf.

A person holding the office of Session Judge may try cases committed by himself.

2. When it happens that a Zillah Judge has sent a case for trial before the Court of Session, or that a person is appointed to officiate as Judge of a Court of Session, who had previously officiated in the Court by which commitments are made to that Court of Session, and there are before the Court of Session charges preferred by himself upon which trials are still to be held, he shall nevertheless proceed thereupon as in other cases.

Postponement of trial.

3. It shall be competent to a Court of Session to direct the postponement of a trial, where it is satisfied that such delay is proper and essential to the ends of justice.

Commencement of trial.

4. When the Court is ready to commence the trial, the defendant shall be brought before it, and the charge shall be read to him, and he shall be asked whether he be guilty or not guilty of the offence charged.

Plea of "guilty"

5. If the defendant plead "guilty," the Judge shall explain to him the nature of the charge, read to him the clause or clauses of the Code relating to the offence charged, and satisfy himself that the defendant comprehends the nature of the charge and the effect of his plea. If the defendant then adhere to his plea of "guilty," the same shall be recorded, and the defendant convicted thereon.

Refusal to plead, or plea of "not guilty."

6. If the defendant refuse to plead, or plead "not guilty," the Court shall proceed to try the case, taking all the evidence that is forthcoming in due course.

How evidence is to be recorded.

7. The evidence of each witness shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and when completed shall be read over to the witness and signed by him in the presence of the Judge. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be at the discretion of the Judge to take down or cause to be taken down any particular question and answer, if there shall appear any special reason for doing so, or any person who is a prosecutor or defendant in the case shall require it. If any question put to a witness be objected to by any such person, and the Judge shall allow the same to be put, the question and the answer shall be taken down, and the objection and the name of the person making it shall be noticed in taking down the depositions, together with the decision of the Judge upon the objection. The Judge shall also record such remarks as he may think material respecting the demeanor of any witness whilst under examination.

Witness refusing to answer may be committed to custody.

8. If any witness shall refuse to answer such questions concerning the premises as shall be put to him, without offering any just excuse for such refusal, the Court may commit such witness to custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to be examined and to answer concerning the premises; after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of Chapter X Article 2 or Chapter XII Article 4.

Examination of defendant, evidence at the trial.

9. The examination of the defendant before the magistrate shall be given in evidence at the trial.

Session Court not to receive written confession of guilt made to the police.

10. It shall not be competent to the Session Court to receive in evidence against the defendant any written admission or confession of guilt or other statement made by him to the head or other officer of police, and by him reduced into writing.

But may receive evidence of a police officer as to unrecorded admission of guilt.

11. Nothing contained in the foregoing Article shall prevent the Court from receiving the evidence of a police officer to any unrecorded admission or confession of guilt, or other statement made to him by the defendant; provided, however, that such evidence shall not be sufficient to warrant a conviction without corroborative evidence.

Court may summon necessary evidence.

12. It shall be at the discretion of the Court, at any stage of a trial, to summon and examine any witnesses whose evidence it may consider essential to the just decision of the case.

Defence.

13. When the case for the prosecution has been brought to a close, the defendant shall be called upon to enter upon his defence, and to produce his evidence.

Witnesses for the defence.

14. The defendant shall be allowed to call any witness not previously named by him, but he shall not be entitled to have any other witnesses summoned than those named in the list or lists delivered to the magistrate or other officer by whom he was committed, or held to bail, for trial, except as provided in Chapter XIV Article 14.

Adjournment.

15. The Court may, at its discretion, adjourn the trial to such future time as may be necessary, and so from time to time.

Jury or assessors to attend at adjourned sitting.

16. In the event of the adjournment of a trial, the jury or assessor, as the case may be, shall be required to attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

Delivery of opinions of assessors.

17. In cases tried with the aid of assessors, the judge, before pronouncing his own opinion, shall call upon the assessors for their opinions. The opinion of each assessor shall be given

separately and recorded. In cases tried by jury, the judge shall sum up the evidence on both sides, and the jury shall then deliver their finding upon the charge.

Of verdict of jury.

18. If the defendant is convicted, and the case is one which the Session Judge is competent to dispose of finally, he shall proceed to pass sentence upon the defendant according to law.

Conviction.

19. If the case is one in which, if the defendant be convicted, it belongs to the Sudder Court to pass sentence, the Session Judge shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of his opinion as to the sentence which should be passed upon the defendant; and in cases tried by jury, the Session Judge shall also transmit with the case a report of his direction to the jury.

Reference to Sudder Court.

20. The Session Judges shall transmit to the Sudder Court monthly statements or calendars in such form as the Sudder Court shall prescribe, of all trials held by them, exhibiting the sentence passed upon each defendant, together with an abstract of the evidence given at the trial.

Transmission of monthly calendar of trials by Session Judge.

CHAPTER XXIII.

SUDDER COURT,

AS A COURT OF REFERENCE.

1. A case referred by a Session Judge for the final judgment and sentence of the Sudder Court shall be heard by a Court constituted by three judges of the said Sudder Court, and the sentence shall be signed by not less than two of such judges.

Court for hearing of referred trials.

2. In cases referred for the final judgment and sentence of the Sudder Court, which have been tried with the aid of assessors, that Court shall revise the record of trial submitted by the Court of Session, and if it approves of the conviction of the defendant, it shall proceed to sentence him to punishment according to law.

Hearing of case referred, tried with assessors.

3. If the Sudder Court disapproves of the conviction of the defendant absolutely, it shall pass a judgment of acquittal.

Acquittal.

4. If the Sudder Court disapproves of the conviction of the defendant, on the ground that the offence proved does not answer to the legal definition of the offence of which he is convicted, it shall annul the conviction; but it shall be competent to the court to pass a judgment convicting the defendant of the offence which it deems to be proved by the evidence, and to sentence him to punishment according to law.

Difference of opinion between Sudder Court and Session Court as to offence proved.

5. In any case referred as above to the Sudder Court, it shall be open to the prosecutor or the defendant to move the Court for further inquiry upon any point bearing upon the guilt or innocence of the defendant; and it shall be competent to the Court, upon such application, or of its own accord, to direct such inquiry to be made, and additional evidence to be taken on any point, the further investigation of which is essential to the just decision of the case.

Competence of Court to direct further inquiry, &c.

6. In cases referred for the sentence of the Sudder Court which have been tried by jury, the Court, on reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, shall determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right.

Hearing of case referred, tried by jury.

CHAPTER XXIV.

FINDING, JUDGMENT, AND SENTENCE.

1. In any trial by Jury, when the Jury are unanimous in thinking the defendant guilty, the verdict shall be that the defendant is guilty of the offence specified in the charge, or of the offence specified in such a head of charge, when there are more heads than one. When the Jury are not unanimous, but two-thirds or more concur in thinking the defendant guilty, the verdict shall be that the defendant is found guilty of the offence specified in the charge, or in such a head of charge as above provided, by a majority consisting of six, seven, eight, as the case may be, of the Jurors. When any number of the Jurors exceeding one-third concur in thinking the defendant not guilty, the verdict shall be that the defendant is not guilty. When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of charge the offence falls, the verdict shall be that the defendant is guilty either of the offence charged in such a head, or of the offence charged in such another head of charge.

Form of verdict in jury trials.

2. When the trial in any Criminal Court is concluded, the Court, in passing judgment, if it convicts the defendant, shall distinctly specify the offence of which, and the Clause and Chapter of the Penal Code under which, it convicts him; or if it be doubtful under which of two Clauses the offence falls, shall distinctly express the same and pass judgment in the alternative, according to Clause 18 of Chapter III.

What the Judgment is to specify.

3. If the defendant, after having been called upon for his defence, is acquitted, the acquittal shall be recorded so as to have a distinct reference to the charge to which the defendant was required to answer, in order to save him from any further prosecution upon the facts to which it related.

Acquittal.

4. The finding and sentence shall be recorded in the following form, or to the same effect:—

Form of finding and sentence.

In trials by Jury:

When the Jury are unanimous:

The Jury find that Z is guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z [*sentence*].

2nd. The Jury find that Z is not guilty of the offence specified in the charge, namely, that Z has waged war against the Government of a part of the

territories of the East India Company, and has thereby committed an offence punishable under Clause 1 Chapter VI of the Penal Code; and the Court directs that the said Z be discharged.

When the Jury are not unanimous, but two-thirds or more of the Jurors concur in thinking the defendant guilty :—

3rd. A majority of the Jurors, consisting of seven of their number, find that Z is guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting, has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code. The Court concurs in such finding, and, as Z has, by reason of the premises, become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code, the Court directs that the said Z be [*sentence*].

4th. A minority of the Jury, consisting of two of their number, finds that Z is not guilty of the offence specified in the charge, namely, that Z has, with the intention of inducing a member of the Council of India to refrain from exercising a lawful power of such member, assaulted such member, and, by so assaulting has voluntarily caused grievous hurt, not on grave and sudden provocation, and has thereby committed an offence punishable under Clause 3 Chapter VI of the Penal Code, and by committing such offence, has also committed an offence punishable under Clause 28 Chapter XVI of the Penal Code, and has by reason of the premises become liable to cumulative punishment under Clause 4 Chapter VI of the Penal Code. The Court concurs in such finding, and directs that the said Z be discharged.

5th. When the Jury are not unanimous, but any number of the Jurors exceeding one third concur in thinking the defendant not guilty, the form No 2 shall be followed.

When the Jury, or two-thirds or more of the Jurors, concur in thinking the defendant guilty of an offence, but are doubtful under which of two heads of a charge the offence falls :—

6th. The Jury (*or* the majority of the Jurors consisting of
of their number as the case may be,) find that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge : namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code. The Court directs (*or* the Court concurs in such finding and directs) that under the provisions of the above mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials with Assessors :

7th. The Court, concurring with the Assessors, (*or* one or more of the Assessors,) finds that Z is guilty of the offence specified in the charge ; namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be [*sentence.*]

8th. The Court, differing from the Assessors, finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed the offence of rioting, and has thereby committed an offence punishable under Clause 7 Chapter VIII of the Penal Code ; and the Court directs that the said Z be discharged.

9th. The Court concurring with one of the Assessors, finds that Z is guilty either of the offence specified in the first head of charge, or of the offence specified in the second head of charge ; namely, that Z has either committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code, or that he has committed criminal breach of trust, and has thereby committed an offence punishable under Clause 28 of the same Chapter of the Penal Code ; and the Court directs that under the provisions of the above-mentioned Clauses, and the provisions of Clause 18 Chapter III of the Penal Code, the said Z be [*sentence*].

In trials upon a formal charge, without Jury or Assessors :

10th. The Court finds that Z is guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be [*sentence*].

11th. The Court finds that Z is not guilty of the offence specified in the charge, namely, that Z has committed theft, and has thereby committed an offence punishable under Clause 2 Chapter XVII of the Penal Code ; and the Court directs that the said Z be discharged.

In trials in which no formal charge has been prepared :

12th. The Court finds that Z has used criminal force, and has thereby committed an offence punishable under Clause 56 Chapter XVI of the Penal Code, and directs that the said Z be [*sentence*].

13th. The Court finds that the complaint of assault is not proved, acquits Z, and directs that he be discharged.

Conviction of offences punishable cumulatively.

5. Where a person shall be convicted of any two offences which are punishable cumulatively, it shall be lawful for the Court to sentence him for each of the two offences to the penalties prescribed by the Penal Code in respect of each of the two offences, provided that the punishment to which such person is sentenced for each of the two offences is within the ordinary penal jurisdiction of the Court ; and it shall not be necessary for the Court, only by reason of the cumulative punishment being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Conviction of several offences.

6 Where a person shall be convicted of several offences at the same time, punishable under the same or different Clauses of the Penal Code, it shall be lawful for the Court to sentence him to the several penalties prescribed by the Code in respect of the several offences of which he shall have been so convicted, provided that the punishment to which such person is sentenced for each offence is within the ordinary penal jurisdiction of the Court, such penalties, when consisting of imprisonment, to commence the one after the expiration of the other ; and it shall not be ne-

cessary for the Court only by reason of the aggregate punishment for the several offences being in excess of the punishment which the Court is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court.

Judgment on offender already imprisoned under sentence for another crime.

7. Where sentence shall be passed on a person already under sentence of imprisonment for another offence, it shall be lawful for the Court to award imprisonment on the subsequent conviction to commence at the expiration of the imprisonment to which such offender shall have been previously sentenced ; and if empowered to pass sentence of transportation or banishment, the Court may award such sentence on the subsequent conviction to commence immediately, or at the expiration of the imprisonment to which such person shall have been previously sentenced.

Party tried upon formal charge not liable to renewed prosecution.

8. A party who has once been tried upon a formal charge, prepared as directed in the rules of this Code of Procedure for preparing criminal charges, shall not be liable to a renewed prosecution.

Execution of sentence of the Sudder Court in cases referred by the Session Judge.

9. In cases referred by the Session Judge for the final sentence of the Sudder Court, the proper officer of the Court shall, within three days after passing of the sentence, or sooner if practicable, transmit a copy of it, under the seal of the Sudder Court, and attested with his official signature, to the Session Judge, who shall immediately issue a warrant to the magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed, and return the warrant to the Session Judge, with an endorsement attested by his official seal and signature, certifying the manner in which the sentence has been executed.

Session Court to direct warrant to district magistrate.

10. In cases tried by the Session Court, the Court shall forward a copy of its sentence, together with a warrant for the execution of the same, directed to the magistrate of the district in which the trial was held.

Execution of sentence under two foregoing Articles.

11. Upon the receipt of a warrant under either of the two last preceding Articles, the magistrate shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed to the Court from whence it issued, with an endorsement under his official seal and signature, certifying the manner in which the sentence has been executed.

Warrant of commitment in cases of imprisonment.

12. In every case of imprisonment under the sentence of the Sudder Court as a Court of reference, of the Session Court, or of the magistrate, the magistrate shall issue his warrant to the gaoler, stating the offence of which the defendant has been convicted, and the period during which he is to be imprisoned and the nature of the imprisonment. In like manner, in every case of imprisonment under the sentence of a Subordinate Criminal Court, the Court passing the sentence shall issue its warrant to the same effect.

CHAPTER XXV.

SUDDER COURT AS A COURT OF REVISION.

Revision in cases of illegal sentence.

1. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the Session Court the sentence which may lawfully be passed for such offence ; and thereupon the Session Court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

When the sentence is too severe.

2. The Sudder Court, in any case tried by the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the sentence passed upon any person convicted by the Session Court is too severe, may mitigate the sentence to such extent as to the said Sudder Court shall seem proper, and shall certify such mitigated sentence to the Session Court, which shall thereupon amend the record in accordance therewith, and proceed to give effect to the sentence of the Sudder Court.

When in trials with assessors the judgment is not warranted by the evidence.

3. The Sudder Court, in any case tried by the Session Court, except cases tried by Jury, in which, upon a review of the abstract statements of calendars of prisoners punished without reference, it shall appear to it that the judgment pronounced on any prisoner was not warranted by the evidence, may, if it thinks fit, require the Judge of the Court in which the conviction was had, to certify under his hand all or any part of the evidence taken in the case affecting such prisoner, with any observations which the Judge may be desirous of making in explanation of the judgment ; and thereupon the Sudder Court may annul such judgment, if such judgment shall appear to it not warranted by the evidence, and shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Sudder Court, and if necessary, amend the record in accordance therewith.

Revision in Jury trials.

4. The Sudder Court, in any case tried by jury in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that there has been error in the decision of the Session Court on a point or points of law, or that a point or points of law should be considered by the Sudder Court, may call for the record, together with a report of the Session Judge's direction to the jury, and upon reviewing the depositions of the witnesses, the direction of the Judge, and the conviction, may determine any point of law arising out of the case, and thereupon pass such judgment and sentence as to the Sudder Court shall seem right. The Sudder Court shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of

the Sudder Court, and if necessary, amend the record in accordance therewith.

In cases of sentence by Session Judge, which ought to have been referred.

5. The Sudder Court, in any case tried in the Session Court, in which, upon a review of the abstract statements or calendars of prisoners punished without reference, it shall appear to it that the case is one which ought to have been referred for the judgment and sentence of the Sudder Court, may, if it think fit, annul the sentence passed by the Session Court, and require the Session Judge to refer the case, and thereupon the Sudder Court shall pass such judgment and sentence as to the said Sudder Court shall seem right.

General power of revision by the Sudder Court.

6. The Sudder Court may, whenever it thinks fit, call for the whole record of any criminal trial in any Criminal Court within its jurisdiction, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the Court which tried the case; provided that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from determining any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

CHAPTER XXVI.

APPEALS.

No appeal in cases of acquittal.

1. There shall be no appeal from a judgment of acquittal passed by any Criminal Court.

Appeal in cases of conviction.

2 An appeal shall lie in all cases of conviction by the Magistrates in the Mofussil, and by the Judges of the Subordinate Criminal Courts, to the Session Judge; and in all cases of conviction by the Session Judges in the exercise of original jurisdiction, to the Sudder Court.

Proceeding in appeals.

3. Any person convicted by a judgment of any of the Criminal Courts of original jurisdiction mentioned in the last preceding Article, may present a petition of appeal to the Court of Appellate Jurisdiction, which may call for the record of conviction, and confirm, or amend, or reverse the finding and sentence of the Lower Court. but not so as to enhance the punishment awarded; provided that, if the party appealing be in gaol, he shall be at liberty to present his petition of appeal to the magistrate in charge of the same, who shall thereupon forward it to the proper appellate authority; provided also, that it shall not be competent to the Sudder Court to reverse the verdict of a jury on the facts of the case in a case tried by jury before the Session Court, but such verdict shall not prevent the Sudder Court from trying any point of law arising out of the case, or from altering the sentence passed in such case by the Session Court.

Court of Appeal may direct further inquiry, &c.

4. In any case appealed as above, except a case tried by jury, it shall be open to the appellant to move the Appellate Court for further inquiry; and it shall be competent to the Court upon such application, or of its own accord, to direct such inquiry to be made, and additional evidenceto be taken on any point, the further investigation of which is essential to the just decision of the case. The Appellate Court shall at the same time direct whether the Lower Court shall pass a fresh sentence in the case, or certify the result of the further inquiry and the additional evidence to the Appellate Court.

Court of Appeal, how to proceed in a case of conviction by an incompetent Court.

5. When a Magistrate or Judge of a Subordinate Criminal Court has convicted a person of an offence not triable by such Magistrate or Judge, it shall be competent to the Court of Appellate Jurisdiction to annul the conviction and sentence of the Lower Court, and to direct the trial of the case by a Court of competent jurisdiction.

Appeals from orders in proceedings other than trials.

6. An appeal shall lie from all orders in proceedings other than criminal trials, passed by the Magistrates in the Mofussil and by the Judges of the Subordinate Criminal Courts, to the Session Court; and it shall be competent to the Courts of Appellate Jurisdiction to pass upon such appeals such orders as they shall deem just and proper.

Period for presenting petition of appeal.

7. The petition of appeal from a sentence of the Session Judge must be presented within ninety days immediately following and exclusive of the day on which sentence was passed; and from the sentence or order of any other Court within thirty days, calculated in the same manner.

Result when Appellate Court is equally divided.

8. Where the Appellate Court consists of more than one Judge, if there should be a difference of opinion among the Judges, and the Court be equally divided, the judgment of the Lower Court shall be affirmed.

Finality of orders in appeal.

9. Except as provided in Chapter XXV Article 6, the sentences passed by the Appellate Court upon criminal appeals shall be final.

Powers of Session Judge and Magistrate to regulate the proceedings of subordinate Courts.

10. It shall be at all times lawful for a Session Judge and for a Magistrate, or other officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such subordinate Courts; but it shall not be lawful for any other Court than the Sudder Court to alter any sentence of any subordinate Court, except upon appeal by parties concerned duly made according to the foregoing provisions.

Power of Session Court to direct bail.

11. The Session Court shall have a discretionary power of directing that any defendant shall be admitted to bail before a Magistrate or Subordinate Criminal Court, or that the bail required by a Magistrate or Subordinate Criminal Court be reduced; and also of directing that a party not in custody be admitted to bail on his surrendering to a warrant.

Power of Sudder Court to direct bail.

12. The Sudder Court shall have the like discretionary power in regard to any defendant, or any party charged with an offence before any Criminal Court.

SCHEDULE A.

Explanatory Notes.—1st.—The entries in the 2nd and 5th Columns of the Schedule, headed "Offence" and "Penalty," are not intended as definitions of the offences and penalties described in the several corresponding clauses of the Chapters of the Penal Code, or even as abstracts of those clauses, but merely as references to the subject of the clause of the Chapter, the number of which is given in the 1st column.

2nd.—The term "Bailable or not," in Column 3, is to be taken in connexion with the provisions of Chapter XIII Articles 28 and 29 of the Code of Criminal Procedure.

3rd.—No offence is triable by a Court inferior to the Court specifically mentioned in Column 4 as competent to try such offence; but offences are triable by Courts superior to the Court so mentioned.

4th.—The entries in the last Column show when any offence entered in Column 2 admits of cumulative punishment, and the number of the clause expressly providing for such punishment. The circumstances under which cumulative punishment may be inflicted will be ascertained on reference to the clauses themselves.

CHAPTER V.—OF PRINCIPALS AND ABETTORS.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
5	Abetment of any offence if the act abetted is committed in consequence, and where no express provision is made for its punishment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	The punishment of the offence abetted.	
6	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Idem	Idem	Idem.	
7	When one act is abetted and a different act is done	Idem	Idem	The punishment of the offence cpenalties ..	Cumulative, Clause 8.
9	When an effect is caused by the act abetted different from that intended by the abettor.	Idem	Idem	Idem..	Cumulative, Clause 10.
11	When a person, in abetting an offence, commits also another offence.	Idem	Idem	Idem..	Cumulative.
12	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Not bailable, ...	By the Session Court	Imprisonment of either description not exceeding 7 years, and fine.	
	If an act which causes harm be done in consequence of the abetment.	Idem	Idem	Imprisonment of either description not exceeding 14 years, and fine.	
13	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term.	
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Idem	Idem, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Idem, not exceeding ½ of the longest term.	

CHAPTER V.—OF PRINCIPALS AND ABETTORS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
14	Abetting the commission of an offence by the public, or by more than ten persons.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of either description not exceeding 3 years, or fine, or both.	
15	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Not bailable	Idem	Idem, not exceeding 7 years, and fine.	
	If the offence be not committed.	Idem	Idem	Idem, not exceeding 3 years, and fine.	
16	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
	If the offence be punishable with death or transportation.	Not bailable	By the Session Court.. ..	Imprisonment of either description not exceeding 10 years.	
	If the offence be not committed.	According as the offence abetted is bailable or not.	By the Court by which the offence abetted is triable.	Imprisonment of the description prescribed for the offence not exceeding ½ of the longest term, or fine, or both.	
17	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Idem	Idem	Idem.	
	If not committed.	Idem	Idem	Imprisonment of either description prescribed for the offence not exceeding ⅛ of the longest term, or fine, or both.	

CHAPTER VI.—OFFENCES AGAINST THE STATE.

1	Waging or attempting to wage war, or abetting the waging of war against the Government.	Not bailable	Session Court	Death or transportation for life or imprisonment of either description not exceeding 14 years, and forfeiture of all property.	
2	Concealing with intent to facilitate a design to wage war.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
3	Assaulting Governor Grneral, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	Cumulative, Clause 4.
5	Attempt to excite disaffection to the established Government.	Bailable	Idem	Banishment from British India for life, or for any term, to which fine may be added; or simple imprisonment not exceeding 3 years, to which fine may be added, or fine simply.	

6	Waging war against any Asiatic power in alliance or at peace with the East India Company or abetting the waging of such war.	Not bailable	Idem	Banishment for life or any term, to which fine may be added; or imprisonment of either description not exceeding 7 years, to which fine may be added, or fine simply.
7	Committing depredation on the territories of any power in alliance or at peace with the East India Company.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also fine and forfeiture of specific property.
8	Receiving property taken by war or depredation mentioned in Clauses 6 and 7.	Idem	Idem	Idem.
9	Public servant voluntarily allowing prisoner of state or war in his custody to escape.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.
10	Public servant negligently suffering prisoner of state or war in his custody to escape.	Bailable	Idem	Simple imprisonment not exceeding 3 years, also liable to fine.
11	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the re-capture of such prisoner.	Not bailable	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.

CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.

1	Abetting mutiny or attempting to seduce an Officer, Soldier, or Sailor from allegiance or his duty	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
2	Abetment of mutiny if mutiny is committed in consequence thereof.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
3	Abetment of an assault by an Officer, Soldier, or Sailor, on his superior Officer, when in the execution of his office.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
4	Abetment of such assault, if the assault is committed.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
5	Abetment of the desertion of an Officer, Soldier, or Sailor.	Bailable	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.
6	Harbouring such an Officer, Soldier, or Sailor, who has deserted. *Exception*—Not extended to harbour given by a wife to her husband.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
7	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof.	Idem	Idem	Fine not exceeding 500 Rupees.
8	Abetment of an act of insubordination by an Officer, Soldier, or Sailor, if the offence be committed in consequence.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.
10	Wearing the dress or carrying any token used by a Soldier, with intent that it may be believed that he is such a Soldier.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding 500 Rupees, or both.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
3	Being a member of an unlawful assembly	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 9.
4	Joining an unlawful assembly armed with any deadly weapon.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
5	Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.	Idem	Idem	Idem.	
7	Rioting	Idem	Idem	Idem	Idem.
8	Rioting armed with a deadly weapon	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	Idem.
10	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as the offence is bailable or not.	By the Court by which the offence is triable.	The punishment of the offence.	
11	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Bailable	Magistrate	Simple imprisonment not exceeding 6 months, or fine, or both.	
12	Assaulting or obstructing public servant when suppressing riot, &c.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
13	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Idem	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
	If not committed	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
14	Owner or occupier of land not giving information of riot, &c.	Idem	Idem	Fine not exceeding 1,000 Rupees.	
15	Persons for whose benefit or on whose behalf a riot takes place not giving notice to the Police or not using means to prevent it, &c.	Idem	Idem	Fine.	
16	Hiring persons to take part in an unlawful assembly.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
17	Being hired to take part in an unlawful assembly or riot.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	
	Or to go armed	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
19	Committing affray	Idem	Magistrate or Subordinate Criminal Courts, 1st class.	Idem not exceeding 1 month, or fine to 100 Rupees, or both.	

CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

1	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.	Cumulative, Clause 13.
2	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Idem	Idem	Idem	Idem.
3	Taking a gratification for the exercise of personal influence with a public servant.	Idem	Session Court	Simple imprisonment not exceeding 1 year, or fine, or both.	Idem.
4	Abetment by public servant of the offences defined in the last two preceding Clauses with reference to himself.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
5	Public servant obtaining any valuable thing, without consideration, from person concerned in any proceeding or business transacted by such public servant.	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
6	Public servant disobeying a direction of the law with intent to cause injury to any person.	Idem	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Idem not exceeding 1 year, or fine, or both.	Idem.
7	Public servant framing an incorrect document with intent to cause injury.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	Idem.
8	Public servant unlawfully engaging in trade ..	Idem	Idem	Simple imprisonment not exceeding 2 years, or fine, or both.	Idem.
9	Public servant unlawfully buying or bidding for property.	Idem	Idem	Idem..	Idem.
10	Personating a public servant	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clauses 11 & 13.
12	Wearing garb or carrying token used by public servant with fraudulent intent.	Idem	Idem	Idem not exceeding 3 months, or fine to Rupees 200, or both.	Cumulative, Clause 13.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

1	Absconding to avoid service of summons, or other proceeding from a public servant.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If summons or notice require attendance in person, &c., in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both	
2	Preventing the service or the affixing of any summons, or notices, or the removal of it when it has been affixed ; or preventing a proclamation.	Idem	Idem	Idem not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 3.
	If summons, &c., require attendance in person, &c. in a Court of Justice.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Bailable	Magistrate	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the order require personal attendance, &c., in a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
5	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the document is required to be produced in or delivered to a Court of Justice.	Idem	Idem	Imprisonment not exceeding 1 year, or fine, or both.	
6	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
	If the notice or information required respects the commission of an offence, &c.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
7	Knowingly furnishing false information to a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
	If the information required respects the commission of an offence, &c.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
8	Refusing oath when duly required to take oath by a public servant.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
9	Being legally bound to state the truth, refusing to answer questions.	Idem	Idem	Idem.	
10	Refusing to sign a statement made to a public servant when legally required to do so.	Idem	Idem	Simple imprisonment not exceeding 3 months, or fine not exceeding Rupees 1,000, or both.	
11	Knowingly stating to a public servant on oath as true that which is false.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
12	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine to Rupees 1,000, or both.	
13	Resistance to the taking of property by the lawful authority of a public servant.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative. Clause 1,

15	Obstructing sale of property offered for sale by authority of a public servant.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 16.
17	Bidding for property at a lawfully authorized sale, on account of a person under a legal incapacity to purchase it, or bidding without intending to perform the obligations incurred thereby.	Idem	Idem	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
18	Obstructing public servant in discharge of his public functions.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	Cumulative, Clause 19.
20	Omission to assist public servant, when bound by law to give such assistance.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
21	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine not exceeding Rupees 500, or both.	
22	Wilful omission to aid such public servant	Idem	Idem	Idem.	
24	Disobedience to an order lawfully promulgated by a public servant if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Idem	Idem	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 200, or both.	
	If such disobedience causes danger to human life, health, or safety, &c.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine, or both.	Cumulative, Clause 25.
26	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
27	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.

3	Giving or fabricating false evidence in a judicial proceeding.	Bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
	Giving or fabricating false evidence in any other case.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
4	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence.	Not bailable	Idem	Transportation for life, or rigorous imprisonment for 14 years, also liable to fine.	
	If innocent person be thereby convicted and executed	Idem	Idem	Death, or as above.	
5	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Idem	Idem	The punishment of that offence.	
6	Using in a judicial proceeding evidence known to be false or fabricated.	According as the offence of giving such evidence is bailable or not.	Idem	Same as for giving such evidence.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
7	Knowingly uttering or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Bailable	Session Court	Same as for giving such evidence.	
8	Using as a true certificate one known to be false in a material point.	Idem	Idem	Idem.	
9	False statement made in any declaration which is by law received as evidence.	Idem	Idem	As for giving false evidence.	
10	Using as true any such declaration known to be false.	Idem	Idem	Idem.	
11	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and also liable to fine.	
	If punishable with transportation, or imprisonment which may extend to fourteen years.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	
	If punishable with less than 14 years' imprisonment.	Idem	By the Court by which the offence is triable.	Idem not exceeding ½ longest term and fine, or both.	
12	Intentional omission to give information of an offence, by a person legally bound to inform.	Idem	Magistrate	Imprisonment of either description to 6 months, or fine, or both.	
13	Giving false information respecting an offence committed.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.	
14	Secreting or destroying any document to prevent its production as evidence.	Idem	Idem	Idem.	
15	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
16	Fraudulent removal or concealment, &c. of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
17	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Idem	Idem	Idem.	
18	Fraudulently sufferring a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Idem	Idem	Idem.	

19	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Idem	Idem	Idem.
20	False charge of offence made with intent to injure...	Idem	Session Court	Idem not exceeding 2 years, also liable to fine.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
21	Harbouring an offender if the offence be capital ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, and also liable to fine.
	If punishable with imprisonment to 1 year, and not to 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of either description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour given by the husband or wife of the offender.			
22	Taking gift, &c. to screen an offender from punishment, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
23	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, also fine.
	If with imprisonment less than 14 years	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
24	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Idem	Session Court	Imprisonment of either description not exceeding 7 years, and also liable to fine.
	If punishable with transportation for life, or with imprisonment to 14 years.	Idem	Idem	Idem not exceeding 3 years, with or without fine.
	If with imprisonment to 1 year and not to 14 years..	Idem	By the Court by which the offence is triable.	Imprisonment of the description provided for the offence, not exceeding one-fourth of the maximum term, or fine, or both.
	Exception.—Not to extend to harbour or concealment by the husband or wife of the person to be apprehended.			

CHAPTER XI.—OFFENCES AGAINST PUBLIC JUSTICE.—*(Continued.)*

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
25	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Bailable	Magistrate as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Idem	Session Court	Idem not exceeding 3 years, or fine, or both.	
27	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision, which he knows to be contrary to law.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.	
28	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Idem	Idem	Idem.	
29	Voluntary omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If punishable with transportation for life or imprisonment to 14 years.	Bailable	Idem	Idem not exceeding 3 years, with or without fine.	
	If with imprisonment less than 14 years.	Idem	By the Court by which the offence is triable.	Idem not exceeding 2 years, with or without fine.	
30	Voluntary omission to apprehend on the part of a public servant bound by law to appehend person under sentence of a Court of Justice, if under sentence of death.	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, with or without fine.	
	If under sentence of transportation for life, or imprisonment to 14 years.	Idem	Idem	Imprisonment of either description not exceeding 7 years, with or without fine.	
	If under sentence of imprisonment for less than 14 years.	Bailable	By the Court by which the offence is triable.	Idem not exceeding 3 years, or with fine, or with both.	
31	Escape from confinement negligently suffered by a public servant.	Idem	Magistrate as limited by Chapter 11, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original Jurisdiction.	Simple imprisonment not exceeding 2 years or fine, or both.	

32	Resistance or obstruction by a person to his lawful apprehension.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 33.
34	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Idem	Idem	Idem.	
	If charged with an offence punishable with transportation for life, or imprisonment to 14 years.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, and also liable to fine.	Cumulative, Clause 35.
	If charged with a capital offence	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 14 years or upwards.	Idem	Idem	Idem not exceeding 7 years, also fine.	
	If under sentence of death	Idem	Idem	Idem not exceeding 14 years, and also fine.	
36	Unlawful return from transportation	Idem	Idem	Transportation for life, also liable to fine and to rigorous imprisonment not exceeding 3 years before transportation.	
37	Unlawful return from banishment	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 7 years, and also liable to fine. If sentenced to imprisonment liable to banishment for life after imprisonment.	
38	Violation of condition of remission of punishment..	Idem	Idem	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	
39	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	Cumulative, Clause 40.
41	Personation of a juror or assessor	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

3	Counterfeiting or performing any part of the process of counterfeiting Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Counterfeiting or performing any part of the process of counterfeiting the Queen's or the Company's Coin.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 10 years, also liable to fine.
5	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
6	Making, buying, or selling instrument for the purpose of counterfeiting Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.
7	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.
	If Queen's or Company's Coin	Idem	Idem	Idem not exceeding 7 years, also fine.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
8	Abetting in India the counterfeiting out of India of Queen's or Company's Coin.	Not bailable	Session Court	Imprisonment of either description not exceeding seven years, also liable to fine.	
9	Import or export of counterfeit Coin knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 3 years, and liable to fine.	
10	Import or export of counterfeits of the Queen's or Company's Coin, knowing the same to be counterfeit.	Idem	Idem	Idem not exceeding 7 years, also fine.	
11	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c. the same to any person.	Idem	Idem	Idem not exceeding 3 years, and fine.	
	Delivering it as genuine	Idem	Idem	Idem not exceeding 5 years, and fine.	
12	The same with respect to the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 5 years, and fine if the counterfeit Coin is delivered to another person. If delivered as genuine not exceeding 10 years, and fine.	
13	Knowingly delivering to another any counterfeit Coin as genuine, which when first possessed the deliverer did not know to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine to ten times the value of the Coin counterfeited, or both.	
14	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, and liable to fine.	
15	Possession of Queen's or Company's Coin by a person who knew it to be counterfeit when he became possessed thereof	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
16	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Idem	Idem	Idem not exceeding 7 years, and liable to fine.	
17	Unlawfully taking from a Mint any Coining instrument.	Idem	Idem	Idem.	
18	Fraudulently diminishing the weight or altering the composition of any Coin.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
19	Fraudulently diminishing the weight or altering the composition of the Queen's or Company's Coin.	Idem	Idem	Idem not exceeding 7 years, also liable to fine.	
20	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.	

21	Altering appearance of the Queen's or the Company's Coin with intent that it shall pass as a Coin of a different description.	Idem	Idem	Idem not exceeding 7 years, also fine.
22	Delivery to another of Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 3 years, also fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 5 years, also fine.
23	Delivery of Queen's or Company's Coin possessed with the knowledge that it is altered.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
	Delivering it as genuine or as a Coin of a different description.	Idem	Idem	Idem not exceeding 10 years, also fine.
24	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 2 years, also fine.
25	Possession of Queen's or Company's Coin by a person who knew it to be altered when he became possessed thereof.	Idem	Idem	Idem not exceeding 5 years, also fine.
26	Delivery to another of Coin as genuine which when first possessed the deliverer did not know to be altered.	Idem	Magistrate	Idem not exceeding 2 years, or fine to ten times the value of the Coin, &c.
27	Counterfeiting a Government Stamp	Bailable	Session Court	Idem not exceeding 10 years, also liable to fine.
28	Having possession of an instrument or material for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
29	Making, buying, or selling instrument for the purpose of counterfeiting a Government Stamp.	Idem	Idem	Idem.
30	Sale of counterfeit Government Stamp.	Idem	Idem	Idem not exceeding 7 years, also fine.
31	Having possession of a counterfeit Government Stamp	Idem	Idem	Idem.
32	Using as genuine a Government Stamp known to be counterfeit.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
33	Effacing any writing from a substance bearing a Government Stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.
34	Using a Government Stamp known to have been before used.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.
35	Erasure of mark denoting that Stamp has been used.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES.

2	Fradulent use of false instrument for weighing ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st Class.	Imprisonment of either description not exceeding 1 year, or fine, or both.
3	Fraudulent use of false weight or measure ..	Idem	Idem	Idem .. ..
4	Being in possession of false weights or measures for fraudulent use	Idem	Idem	Idem .. ..
5	Making or selling false weights or measures for fraudulent use.	Idem	Idem	Idem .. ..

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
2	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	Bailable	Magistrate	Imprisonment of either description not exceeding 6 months, or fine, or both.	
3	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Knowingly disobeying any rule of the quarantine laws.	Idem	Idem	Idem not exceeding 6 months, or fine, or both.	
5	Adulterating food or drink for man intended for sale, so as to make the same noxious.	Idem	Idem	Idem not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
6	Selling any food or drink as food and drink for man knowing the same to be noxious.	Idem	Idem	Idem.	
7	Adulterating any drug or medical preparation intended for sale, so as to lessen its efficacy, or to change its operation, or to make it noxious.	Idem	Idem	Idem.	
8	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Idem	Idem	Idem.	
9	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Idem	Idem	Idem.	
10	Defiling the water of a public spring or reservoir ..	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 500, or both.	
11	Making atmosphere noxious to health	Idem	Idem	Fine not exceeding Rupees 500.	
12	Driving or riding on a public way so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
13	Navigating any vessel so rashly or negligently as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
14	Conveying for hire any person in a vessel in such a state, or so loaded, as to endanger his life.	Idem	Idem	Idem.	
15	Causing danger, obstruction, or injury in any public way or line of navigation.	Idem	Idem	Fine not exceeding Rupees 200.	

16	Dealing with any poisonous substance so as to indicate a want of due regard for human life.	Idem	Idem	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rupees 1,000, or both.	
17	Dealing with fire or any combustible matter so as to indicate a want of due regard for human life.	Idem	Idem	Idem.	
18	So dealing with any explosive substance ..	Idem	Idem	Idem.	
19	So dealing with any machinery	Idem	Idem	Idem.	
20	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Idem	Idem	Idem.	
21	A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal.	Idem	Idem	Fine not exceeding Rupees 200.	
22	Committing a public nuisance	Idem	Idem	Simple imprisonment not exceeding 6 months, or fine, or both.	
23	Continuance of nuisance after injunction to discontinue.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine, or both.	
24	Sale, &c., of obscene books, &c.	Idem	Idem	Idem.	
	Exception.—Not to extend to any representation on or in any Temple or on any car used for the conveyance of idols				
25	Having in possession obscene book, &c., for sale or exhibition.	Idem	Idem	Idem.	
26	Obscene songs	Idem	Idem	Idem.	

CHAPTER XV.—OFFENCES RELATING TO RELIGION.

1	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	Cumulative, Clause 4.
2	Causing a disturbance to an assembly engaged in religious worship.	Idem	Idem	Idem not exceeding 1 year, or fine, or both.	Idem.
3	Trespassing in a place of sepulture, disturbing a funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Idem..	Idem	Idem..	Idem.
5	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Idem	Idem	Idem.	

CHAPTER XVII—OFFENCES AFFECTING THE HUMAN BODY.

Offences Affecting Life.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
4	Murder	Not bailable	Session Court	Death, or transportation for life, also liable to fine.	
5	Murder by a person under sentence of transportation for life.	Idem	Idem	Death	
6	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and also liable to fine.	
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death.	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.	
7	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Idem	Idem	Death, or transportation for life, or imprisonment not exceeding 14 years, and also fine.	
8	Abetting the commission of suicide	Idem	Idem	Imprisonment of either description not exceeding 14 years, and also liable to fine.	
9	Attempt to murder	Idem	Idem	Imprisonment of either description not exceeding 14 years, and not less than 7 years, also liable to fine.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or the above punishment.	
10	Attempt to commit murder and doing any act, &c. with such intention or knowledge that if death ensued it would be murder.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If such act cause hurt to any person	Idem	Idem	Transportation for life, or such punishment as hereinbefore mentioned.	
11	Attempt to commit suicide	Idem	Idem	Simple imprisonment not exceeding 2 years, and also fine.	
13	Being a thug	Idem	Idem	Transportation for life, also liable to fine.	
	Of the causing of Miscarriage, of injuries to unborn Children, of the exposure of Infants, and of the concealment of Births.				
14	Causing miscarriage	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.	
	If the woman be quick with child	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	

15	Causing miscarriage without woman's consent ..	Not bailable	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
16	Death caused by an act done with intent to cause miscarriage.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
	If act done without woman's consent	Idem	Idem	Transportation for life, or the punishment above-mentioned.
17	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Idem	Idem	Imprisonment of either description not exceeding 10 years, or fine, or both.
18	Causing death of a quick unborn child by an act amounting to culpable homicide.	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
19	Exposure of a child under 5 years by parent or person having care of it, with intention of wholly abandoning it.	Idem	Idem	Idem not exceeding 7 years, or fine, or both.
20	Concealment of birth by secret disposal of dead body.	Idem	Idem	Idem not exceeding 2 years, or fine, or both.

Of Hurt.

25	Voluntarily causing hurt, except as in Clause 36 ..	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
26	Voluntarily causing hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
27	Voluntarily causing grievous hurt	Idem	Idem	Idem not exceeding 10 years, and also liable to fine.
28	Voluntarily causing grievous hurt by dangerous weapons, or by any corrosive or explosive substance, or by any substance deleterious to inhale or swallow, or by means of any animal.	Idem	Idem	Idem not exceeding 14 years, also liable to fine.
29	Voluntarily causing grievous hurt in committing dacoity or robbery, or avoiding apprehension for such offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, and not less than 7, also liable to fine.
30	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.
31	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
32	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Hurt.—(Continued.)

Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6 When admitting of cumulative Punishment.
33	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also fine.	
34	Voluntarily causing hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.	
35	Voluntarily causing grievous hurt to deter public servant from his duty.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
36	Voluntarily causing hurt on grave and sudden provocation. not intending to hurt any other but the person who gave the provocation.	Bailable	Magistrate or Subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month or fine not exceeding Rupees 500, or both.	
37	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other but the person who gave the provocati n.	Idem	Session Court	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees, 2 000, or both.	
38	Causing grievous hurt by an act which is so rash or negligent as to indicate a want of due regard for the safety of others.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine not exceeding Rupees 1,000, or both.	
39	Causing hurt by an act which is so rash or negligent as to indicate a want of due regard for human life.	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 500, or both.	
40	Doing any act which is so rash or negligent as to indicate a want of due regard for life or the personal safety of others.	Idem	Idem	Imprisonment of either description not exceeding 6 months. or fine not exceeding Rupees 50, or both.	

Of wrongful Restraint and wrongful Confinement.

43	Wrongfully restraining any person	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine not exceeding Rupees 500, or both.	
44	Wrongfully confining any person	Idem	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.	
45	Wrongfully confining for 3 or more days	Idem	Magistrate .. .	Imprisonment of either description not exceeding 2 years, or fine, or both.	

46	Wrongfully confining for 10 or more days	Idem	Idem	Imprisonment of either description not exceeding 3 years, with or without addition of 3 days for every day of such wrongful confinement, also liable to fine.
47	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Idem	Idem	Imprisonment of either description not exceeding 3 years, in addition to any term of imprisonment to which the offender may be liable under any other Clause of this Chapter.
48	Unlawful confinement in secret	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to any other punishment for the confinement.
49	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.
50	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property. &c.	Idem	Idem	Idem.
51	While keeping a person in wrongful confinement, omitting to furnish him with any thing necessary to prevent danger of death or hurt.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.

Of Criminal force and Assault.

55	Using criminal force otherwise than on grave provocation.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes	Imprisonment of either description not exceeding 3 months, or fine to Rupees 500, or both.
56	Using criminal force to deter a public servant from discharge of his duty.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
57	Using criminal force in attempt to murder ..	Not bailable	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.
58	Assault or use of criminal force to a woman with intent to outrage her modesty.	Bailable	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.
59	Assault or criminal force with intent to dishonor a person, otherwise than on grave and sudden provocation.	Idem	Idem	Idem.
60	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	Not bailable	Idem	Idem.
61	Assault or criminal force in attempt wrongfully to confine any person.	Bailable	Magistrate or subordinate Criminal Courts, 1st class	Imprisonment of either description not exceeding 1 year, or fine not exceeding Rupees 1,000, or both.
62	Using criminal force on grave and sudden provocation.	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 1 month, or fine to Rupees 200, or both.
63	Assault in cases not specially provided for when the assault is not on grave and sudden provocation.	Idem	Idem	Idem.

CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.—*(Continued.)*

Of Kidnapping, Forcible Abduction, Slavery, and forced Labor.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
68	Kidnapping	Not bailable	Session Court	Imprisonment of either description not exceeding 7 years, also liable to fine.	
69	Kidnapping or abducting in order to murder ..	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
70	Abduction with intent secretly and wrongfully to confine a person.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and fine.	
71	Abducting or kidnapping a woman to compel her marriage or to cause her defilement, &c.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
72	Kidnapping in order to subject a person to grievous hurt, slavery, &c.	Idem	Idem	Idem.	
73	Concealing or keeping in confinement a kidnapped person.	Idem	Idem	Punishment of kidnapping for such purpose.	
74	Buying or disposing of any person as a slave. ..	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
75	Habitual dealing in slaves.	Not bailable	Idem	Idem.	
76	Unlawful compulsory labor.	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Idem not exceeding 1 year, also fine. ..	Cumulative.
	Of Rape.				
78	Rape	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.	
	Of Unnatural Offences.				
79	Unnatural offences	Not bailable	Session Court	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.	

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.

Of Theft.

2	Theft	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 3 years, or fine, or both.
3	Theft by Clerk or Servant of property in possession of Master or Employer.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
4	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Idem	Session Court	Rigorous imprisonment not exceeding 7 years, also liable to fine.

Of Extortion.

6	Extortion	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4 and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 3 years, or fine, or both.
7	Putting or attempting to put in fear of injury in order to commit extortion.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
8	Extortion by putting a person in fear, for himself or for another, of death or grievous hurt.	Not bailable	Session Court	Idem not exceeding 14 years, and not less than 5 years, also liable to fine.
9	Putting or attempting to put a person in fear, for himself or for another, of death or grievous hurt, in order to extortion.	Idem	Idem	Imprisonment of either description not exceeding 7 years, and not less than 3 years, also liable to fine.
10	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment not exceeding 14 years and not less than 5 years.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.

Of Extortion.—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
11	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment not exceeding 14 years and not less than 3 years, in order to commit extortion.	Not bailable	Session Court	Imprisonment of either description not exceeding 5 years, also liable to fine.	

Of Robbery and Dacoity.

14	Robbery	Not bailable	Session Court	Rigorous imprisonment not exceeding 14 years, also liable to fine.	
15	Attempt to commit robbery	Idem	Idem	Idem not exceeding 7 years, also fine.	
16	Voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.	
17	Dacoity	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
18	Murder in Dacoity	Idem	Idem	Death, or transportation for life, or rigorous imprisonment not exceeding 14 years, also fine.	
19	Robbery or dacoity with attempt to cause death or grievous hurt.	Idem	Idem	Imprisonment not less than 7 years.	
20	Attempt to commit robbery or dacoity when armed with deadly weapon.	Idem	Idem	Idem not less than 5 years.	
21	Making preparation to commit dacoity	Idem	Idem	Rigorous imprisonment not exceeding 14 years, also fine.	
22	Belonging to a gang of persons associated for the purpose of habitually committing dacoities.	Idem	Idem	Transportation for life, or rigorous imprisonment not exceeding 14 years and not less than 7 years, also fine.	
23	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Idem	Idem	Rigorous imprisonment not exceeding 7 years, also fine.	
24	Being one of 5 or more persons assembled for the purpose of committing dacoity.	Idem	Idem	Idem.	

Of Fraudulent Misappropriation of Property.

25	Fraudulent misappropriation of property, or converting it to one's own use.	Bailable	Magistrate, as limited by Chapter II, Article 10, Clauses 3, 4, and 5, relating to Criminal Courts of original jurisdiction.	Imprisonment of either description not exceeding 2 years, or fine, or both.
26	Fraudulent misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Idem	Idem	Idem not exceeding 3 years, also liable to fine.

Of Criminal Breach of Trust.

28	Criminal breach of trust	Bailable	Session Court	Imprisonment of either description not exceeding 3 years, or fine, or both.
29	Criminal breach of trust by a clerk or servant ..	Idem	Idem	Idem not exceeding 5 years, also liable to fine.
30	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also fine.

Of the Receiving of Stolen Property.

32	Fraudulently receiving stolen property, knowing it to be stolen.	Not bailable	Session Court, when the value of the property which is the subject of the offence exceeds 500 Rupees. Magistrate, when not exceeding 500 Rupees. Subordinate Criminal Courts, 1st class, when not exceeding 100 Rupees. Subordinate Criminal Courts, 2nd class, when not exceeding 50 Rupees.	Imprisonment of either description not exceeding 7 years, or fine, or both.
33	Fraudulently receiving stolen property, knowing that it was obtained by dacoity.	Idem	Session Court	Transportation for life, or rigorous imprisonment not exceeding 14 years, also liable to fine.
34	Habitually dealing in stolen property	Idem	Idem	Idem.
35	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Idem	Idem	Imprisonment of either description not exceeding 3 years, or fine, or both.

CHAPTER XVII.—OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Cheating.

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
38	Cheating	Bailable	Magistrate or subordinate Criminal Courts, 1st class.	Imprisonment of either description not exceeding 1 year, or fine, or both.	
39	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	
40	Cheating by personation	Idem	Idem	Idem.	
41	Cheating and thereby fraudulently inducing delivery of property, or the altering or destroying of a valuable security.	Idem	Idem	Idem not exceeding 3 years, and also fine.	

Of Fraudulent Deeds and Dispositions of Property.

42	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Not bailable	Session Court	Imprisonment of either description not exceeding 3 years, also liable to fine.	
43	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Idem	Idem	Idem.	
44	Fraudulently preventing from being made available for creditors a debt due to himself or to any other person.	Idem	Idem	Idem.	
45	Fraudulent execution of deed of transfer containing a false statement of consideration.	Idem	Idem	Idem not exceeding 2 years, and fine.	
46	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or fraudulently releasing any claim or demand to which he is entitled.	Idem	Idem	Idem.	
47	Fraudulent claim to property with the knowledge that in good faith the claimant has no right thereto.	Idem	Idem	Idem.	

Of Mischief.

49	Mischief	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 3 months, or fine, or both.
50	Mischief, and thereby causing damage to the amount of 50 Rupees or upwards.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.
51	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of 10 Rupees or upwards.	Idem	Idem	Idem.
52	Mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, &c., or any other animal of the value of 50 Rupees or upwards.	Idem	Idem	Idem not exceeding 5 years, or fine, or both.
53	Mischief on any channel or reservoir of water, with intent, &c. to cause diminution of supply for agricultural purposes.	Idem	Idem	Idem.
54	Mischief by injury to public road, bridge, river, or navigable channel. and rendering it impassable or less safe for travelling or conveying property.	Idem	Idem	Idem.
55	Mischief by causing inundation or obstruction to public drainage attended with damage to amount of Rupees 100 or upwards.	Idem	Idem	Imprisonment of either description not exceeding 5 years, or fine, or both.
56	Mischief by destroying or moving, or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Idem	Idem	Imprisonment of either description not exceeding 7 years, or fine, or both.
57	Mischief by destroying or moving, &c. a land-mark fixed by public authority.	Idem	Idem	Idem to 1 year, or fine, or both.
58	Mischief by fire or explosive substance, with intent to cause damage to amount of Rupees 100 or upwards.	Not bailable	Session Court	Idem to 7 years, also liable to fine.
59	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Idem	Idem	Transportation for life, or imprisonment of either description not exceeding 14 years, also liable to fine.
60	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
61	The mischief described in the last Clause when committed by fire or any explosive substance.	Idem	Idem	Idem not exceeding 14 years, also fine.
62	Mischief co nmitted after preparation made for causing death or hurt, &c.	Idem	Idem	Idem not exceeding 5 years, also liable to fine.

Of Criminal Trespass.

69	Criminal trespass	Bailable	Magistrate, or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 500, or both.

CHAPTER XVII —OFFENCES AGAINST PROPERTY.—*(Continued.)*

Of Criminal Trespass—(Continued.)

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	When admitting of cumulative Punishment.
70	House-trespass	Not bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine to Rupees 1,000, or both.	Cumulative, Clause 71.
72	House-tresspass in order to the commission of an offence punishable with death, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court	Transportation for life or rigorous imprisonment not exceeding 14 years and not less than 7 years, also liable to fine.	
73	House-trespass in order to the commission of an offence punishable with transportation for life, and doing any act towards the commission of it, if that offence is not committed.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 5, also liable to fine.	
74	House-trespass in order to the commission of an offence punishable with imprisonment, and doing any act towards the commission of it, if that offence is not committed.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 1 year added to one-third of the longest term for the offence intended, and also fine.	
75	House-tresspass, having made preparation for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine.	
76	Lurking house-trespass or house-breaking.	Idem	Idem	Idem	Cumulative, Clause 77.
78	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Idem not exceeding 2 years added to one-half the longest term of imprisonment for the offence intended, also liable to fine.	
79	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Idem	Magistrate	Idem not exceeding 3 years, also liable to fine	
80	Lurking house-trespass or house-breaking by night.	Idem	Idem	Imprisonment of either description not exceeding 3 years, and also fine.	Cumulative, Clause 81.
82	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Idem	Session Court if the offence intended is triable by it exclusively, otherwise by the Magistrate.	Imprisonment of either description not exceeding 3 years, added to two-thirds of the longest term of imprisonment for the offence intended.	
83	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Idem	Session Court	Transportation for life, or imprisonment of either description not exceeding 7 years, also fine.	
84	Grievous hurt caused whilst committing lurking, house-trespass or house-breaking.	Idem	Idem	Imprisonment of either description not exceeding 14 years and not less than 7 years, also liable to a fine.	

85	Fraudulently breaking open or unfastening any closed receptacle containing or supposed to contain property.	Idem	Magistrate	Idem not exceeding 2 years, or fine, or both.	Cumulative, Clause 87.
86	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Idem	Idem	Idem not exceeding 3 years, or fine, or both.	Idem.

CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TRADE OR PROPERTY-MARKS.

3	Forgery	Not bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
4	Forgery or using a forged document with intent to injure or deceive.	Idem	Idem	Idem	
5	Forgery of a record of a Court of Justice or of a Register of Births, &c. kept by a public servant.	Idem	Idem	Idem not exceeding 7 years, and also fine.	
6	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Idem	Idem	Transportation for life or imprisonment of either description not exceeding 14 years, also liable to fine.	
7	Forgery for the purpose of cheating	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
8	Forgery for the purpose of harming the reputation of any person or knowing that it is likely to be used for that purpose.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
10	Uttering or using as genuine a forged document which is known to be forged	Idem	Idem	As for forgery.	
11	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under Clause 6, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Idem	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.	
12	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under Clause 6, or possessing with like intent any such seal, &c.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
13	Having possession of a valuable security or will knowing it to be forged, with intent to use or utter it as genuine.	Idem	Idem	Idem not exceeding 10 years, also liable to fine.	
14	Counterfeiting a device or mark used for authenticating documents described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 14 years, also liable to fine.	
15	Counterfeiting a device or mark used for authenticating documents other than those described in Clause 6, or possessing counterfeit marked material.	Idem	Idem	Imprisonment of either description not exceeding 2 years, also liable to fine.	

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6. When admitting of cumulative Punishment.
16	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting a will.	Not bailable	Session Court	Imprisonment of either description not exceeding 10 years, also liable to fine.	
17	Fraudulently destroying or defacing, or secreting a valuable security.	Idem	Idem	Imprisonment of either description not exceeding 3 years, also liable to fine.	
	Of Trade and Property-Marks.				
22	Using a false trade or property-mark with intent to deceive or injure any person.	Bailable	Magistrate	Imprisonment of either description not exceeding 1 year, or fine, or both.	
23	Counterfeiting a trade or property-mark ordinarily used by another, with intent to cause damage or injury.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.	
24	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Idem	Session Court	Imprisonment of either description not exceeding 3 years, also fine.	
25	Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Idem	Magistrate	Imprisonment of either description not exceeding 2 years, or fine, or both.	
26	Knowingly selling goods marked with a counterfeit property or trade-mark.	Idem	Idem	Imprisonment of either description not exceeding 1 year, or fine, or both.	
27	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Idem	Idem	Idem.	
28	Making use of any such false mark	Idem	Idem	Idem.	
29	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Idem	Idem	Idem.	

CHAPTER XIX.— THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

1	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Bailable	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Imprisonment of either description not exceeding 1 month, or fine not exceeding Rupees 100, or both.
2	A Seaman bound to serve in a merchant vessel leaving it, or absenting himself from it, or refusing to perform his duty, except in the case of ill-treatment.	Idem	Magistrate	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 100, or both.
3	Being bound to attend on or supply the want of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Idem	Idem	Imprisonment of either description not exceeding 3 months, or fine not exceeding Rupees 200 or both.
4	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Idem	Idem	Imprisonment of either descripti n not exceeding 6 months, or fine to thrice the amount of expense of his conveyance to the place.

CHAPTER XX.—OFFENCES RELATING TO MARRIAGE.

1	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Not bailable	Session Court	Imprisonment of either description not exceeding 14 years, also liable to fine.
2	A woman committing the same offence with a man ...	Bailable	Idem	Simple imprisonment not exceeding 1 year, or fine. or both.
3	Marrying again during the life-time of a husband or wife.	Not bailable	Idem	Imprisonment of either description not exceeding 7 years, also liable to fine.
4	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Idem	Idem	Imprisonment of either description not exceeding 10 years, also liable to fine.
5	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Bailable	Idem	Imprisonment of either description not exceeding 7 years, also fine.
6	Adultery	Idem	Session Court or Magistrate ..	Imprisonment of either description not exceeding 5 years, or fine, or both.
7	Enticing or taking away a married woman.	Idem	Idem	Imprisonment of either description not exceeding 2 years, or fine, or both.

CHAPTER XXI.—OF DEFAMATION.

12	Defamation	Bailable	Session Court	Simple imprisonment not exceeding 2 years, or fine, or both.
13	Printing or engraving matter knowing it to be defamatory.	Idem	Idem	Idem.
14	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Idem	Idem	Idem

CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE

1. Clause.	2. Offence.	3. Whether bailable or not.	4. By what Court triable.	5. Penalty.	6 When admitting of cumulative Punishment.
2	Criminal intimidation	Bailable	Session Court	Imprisonment of either description not exceeding 2 years, or fine, or both.	
	If threat be to cause death or grievous hurt, &c. ...	Idem	Idem	Idem not exceeding 7 years, or fine, or both.	
3	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Idem	Idem	Imprisonment of either description not exceeding 2 years, in addition to the punishment in last Clause.	
4	Act caused by inducing a person to believe that he will be rendered an object of the Divine displeasure.	Idem	Magistrate	Idem not exceeding 1 year, or fine, or both.	
5	Uttering any word or making any gesture intended to insult the modesty of a woman.	Idem	Idem	Idem	
6	Appearing in a public place, &c, in a state of intoxication, and causing annoyance to any person	Idem	Magistrate or subordinate Criminal Courts, 1st and 2nd classes.	Simple imprisonment not exceeding 24 hours, or fine not exceeding Rupees 10, or both	

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

	Attempting to commit offences punishable with imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence contemplated by the offender is bailable or not.	The Court by which the offence is triable.	Imprisonment of any description prescribed for the offence not exceeding half of the longest term, or fine, or both	

W. MORGAN,

Clerk of the Council.

JOHN GRAY, "CALCUTTA GAZETTE" OFFICE.

SECOND SUPPLEMENT TO

The Calcutta Gazette.

Published by Authority.

SATURDAY, MARCH 28, 1857.

NOTICE is hereby given, that the under-mentioned Estate, in Zillah Bhaugulpoor, will be put up public and unreserved Sale, at the Collector's Office of that District, on Monday, the 6th April 1857, 27th Chyet 1264 Fuslee, for Arrears of Revenue:—

Class I.—Permanently-settled Estate.

No. 2259.—Invalid Jageer of Dawood Subadar, in Thannah Woodhowa, Nullah Pergunnah Kunkole; recorded proprietor, Shaik Udeeuth Oollah; sudder jumma, rupees 21-12-8¼.

S. LUSHINGTON,
Offg. Collector.

COLLECTOR'S OFFICE;
Bhaugulpoor,
The 19th March 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estate, in Zillah Mymensing, will be put up to public and unreserved re-sale at the Collector's Office of that District, on 14th April 1857, or 2nd Bysack 1264 B. S., Tuesday, for Arrears of Revenue.—

Class I.—Permanently-settled Estate.

No. 1847.—Prannath, Pergunnah Hosenshye; recorded proprietor, Sreeshteedhur Roy, Auction purchaser; sudder jumma, rupees 12-7-6.

B. COOPER,
Collector.

MYMENSING COLLECTORATE,
The 17th March 1857.

NOTICE is hereby given, under Section VI. Act I. of 1845, that the under-mentioned Estate in Zillah Nuddea will be put up to public and unreserved Sale, at the Collector's Office of that District, on the 13th day of April 1857, for arrears of Revenue and other demands which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 12th January 1857:—

Class III.—Estates in arrears on account of years antecedent to the current and preceding year.

No. 2848.—Mouzah Govindpore, Chackla Kistnuggur; recorded proprietors, Moonshee Abdool Koreem and Musst. Abdool Johoora Bebee; sudder jumma, rupees 4-2-1.

H. C. HALKETT,
Collector.

NUDDEA;
Collector's Office,
The 23rd March 1857.

JOHN GRAY "CALCUTTA GAZETTE" OFFICE.